CHASING GHOSTS: HOW DISABILITY SUPPORT PROVIDERS IN HIGHER EDUCATION MAKE SENSE OF AND ACTUALIZE THE "SPIRIT OF THE LAW"

by

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(Under the Direction of Erik C. Ness)

ABSTRACT

Students with disabilities bring various backgrounds and experiences to colleges and universities in the United States. The right to access higher education with such individualized needs are central tenets to federal civil rights laws. The confluence of increased participation in higher education by students with disabilities and their need for compelling support services to promote equitable experiences intensifies an environment ripe for regulatory and legal intervention. In fact, disability discrimination accounted for 45% of all complaint types that the U.S. Department of Education Office for Civil Rights received between fiscal years 2008 and 2019 while no other type exceeded 17%. As a result, disability support services (DSS) providers are caught between making sense of disability law, how to deliver services, and how to communicate disability laws' scope to students, parents, and the campus community. Because of this phenomenon, the phrase "spirit of the law" infiltrated numerous areas of postsecondary disability support research and practice as an indicator for enhanced services although the actual definition and understanding of the "spirt" of disability law is rarely articulated. Using a basic qualitative research design, this study builds on prior studies that advise DSS providers to embrace the spirit of the law; thus, addressing gaps in the literature in which the spirit of the law

and DSS providers' understandings of the spirit of the law are not fully demarcated. Key findings include that DSS providers author the spirit of the law as leveling the playing field for students with disabilities, consider students' post-college interests when delivering services, are the primary communicators of disability support services on their campuses, and regularly frame their self-perceived understanding of disability law via connections with students being deserving of services.

INDEX WORDS: Disability support, Accommodations, Policy implementation, Policy design, Sensemaking

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INTRODUCTION

For over the past decade, the volume of complaints related to disability discrimination greatly dominated the United States (U.S.) Department of Education Office for Civil Rights' (OCR) attention. In fact, disability discrimination accounted for 45% of all complaint types between fiscal years 2008 and 2019 while no other type exceeded 17% (U.S. Department of Education, Office for Civil Rights, 2020). The confluence of increased participation in higher education by students with disabilities and their need for compelling support services to promote equitable experiences intensifies an environment ripe for regulatory and legal intervention (Cawthon & Cole, 2010; Kurth & Mellard, 2006; Rapp, 1994; Scott, 2019; Snyder et al., 2016, 2019). In fact, the percentage of undergraduate students in the United States identifying as having a disability rose from over 11% in 2011-2012 to 19% in 2015-2016 (Snyder et al., 2016, 2019). Additionally, access to reasonable accommodations such as learning adaptive tools, use of medical equipment, and adjustments to exam administration is filtered through disability support services (DSS) providers who base their decisions on students' visible and invisible disabilities. Encountering a battery of judgements on diagnosed impairments can be distressing for students with disabilities who already confront stigma from other students and faculty (Deckoff-Jones & Duell, 2018; Dowrick et al., 2005). Likewise, continuously overcoming perceived administrative barriers may feel discriminatory to students, especially those accustomed to receiving services in high school and who have a foundational understanding of existent legal protections. Thus, students may take legal or regulatory action if they know that minimum opportunities are not

provided or believe that they have been subject to discrimination. In turn, such elevated potential for contentious outcomes often compels DSS providers to strictly interpret and implement the minimum requirements established by the laws applying to higher education (Rapp, 1994; Shallish, 2015).

The legal framework guiding disability support services in U.S. higher education primarily comes from the Americans With Disabilities Act (ADA) of 1990 (including the ADA Amendments Act of 2008) and Section 504 of the Rehabilitation Act of 1973. These laws provide equal access to "qualified individual[s] with a disability" (ADA, 2008, Section 12131) through accommodations that may not "fundamentally alter the nature" (ADA, 2008, Section 12182) of the course content. Student-oriented interpretations shape perspectives of how the laws should be applied in the postsecondary setting. A strict, legal perspective accounts for the gravity of non-compliance (i.e., potential loss of federal funding and costs associated with lawsuits) and leads providers at institutions of higher education (IHEs) to offer the essential accommodations needed to remain compliant (Kurth & Mellard, 2006; Levy, 2001; Rapp, 1994). Some researchers and advocates, on the other hand, argue that existing statutes affecting disability rights only establish baseline mandates (i.e., the letter of the law), not the totality of actions needed to accomplish the true intent of the law (i.e., the spirit of the law) and support students (Kurth & Mellard, 2006; Rapp, 1994). Because of this phenomenon, the phrase "spirit of the law" infiltrated numerous areas of postsecondary disability support research and practice as an indicator for enhanced services.

When suggesting areas for future research or implications for practice, researchers routinely urge postsecondary DSS providers to adhere to the spirit of the law throughout the accommodation process (i.e., access, design, selection, and service delivery), which is expected

to increase the effectiveness of accommodations (Cawthon & Cole, 2010; Kurth & Mellard, 2006; Rapp, 1994). In similar fashion, several DSS offices highlight on websites and published documents that they adopt the spirit of the law (George Mason University, n.d.; Syracuse University, n.d.; University of Cincinnati, 2019). Inherently vague when applied to public policy, the meaning of the *spirit of the law* may vary among DSS providers who are forced to dedicate time between complying with specific legal mandates and interpreting or attempting to meet the underlying intent of those statutes when establishing disability policies and procedures. Also, published research may not adequately transfer to practice or effectively influence policy and the understanding of the spirit of the law (Ness, 2010). As an added complication, accommodations and services vary across institutions, which influences the availability and quality of services at IHEs. Because students with disabilities are increasingly present on postsecondary campuses in the United States and rely on quality accommodations and services to continue their education, the need to ensure full-scale, high-quality services are vital to students' academic and social development.

This is particularly relevant in periods of disruption to traditional educational delivery methods. For instance, the COVID-19 pandemic forced many IHEs to move instruction from in-person to online during 2020 C. E. and beyond. Students with disabilities were unable to access the same levels of services that would typically be made available or encountered new barriers (such as an increased presence of videos and other digital content without closed captioning in course lessons or not having immediate in-person counseling when needed) due to virtual learning formats (Moody, 2020; Scott & Aquino, 2020). Thus, students felt that they were disadvantaged because of the change in learning environments and without the additional support structures in place to scaffold their learning (Scott & Aquino, 2020).

Furthermore, students with disabilities rely on accommodations and services for academic success, but many students argue that some accommodations are ineffective based on a lack of quality or from overlooking students' individual needs (Kurth & Mellard, 2006; Scott, 2019). Such inconsistency when providing accommodations adds to the potential for complaints of discrimination. In fact, prior studies found that DSS offices providing a menu-like list of preselected accommodations based on disabilities, which did not account for students' individual needs and backgrounds, often failed to deliver the intended support to students (Cawthon & Cole, 2010; Kurth & Mellard, 2006). According to these studies, although offering consistency and fairness to all students, these letter-of-the-law prescribed accommodations and services often do not address the unique experiences of each student with a disability at the expense of offering a baseline set of services. Students are often dissatisfied with these types of accommodations and view them as ineffective (Cawthon & Cole, 2010; Kurth & Mellard, 2006; Scott, 2019). An individualized approach that replaces equality (i.e., offering the same services to all students) with equity (i.e., selecting different levels of services for individual's unique attributes), however, is associated with better experiences and outcomes for students with disabilities and reflects one example of applying the spirit of the law (Hoogendoorn, 2019). Thus, to some observers, the spirit of the law is an ideal that can be actualized. Yet the true application of the spirit of the law remains vaguely articulated and subject to individual sensemaking by DSS staff members.

As Rothstein (2004) noted, "in a number of areas of disability law, institutions have tried to be proactive and to act in good faith. However, it is sometimes difficult for these institutions to know what is the appropriate course of action" (p. 150). For instance, the ADA (2008) outlined that "in enacting the Americans with Disabilities Act of 1990 (ADA), Congress

intended [emphasis added] that the Act 'provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities' and provide broad coverage" (Section 12101 note). Nonetheless, this broad definition raises several questions when considering application. When do DSS providers actually "meet" the spirit of the law? Can applying the spirit of the law become too unrestrained or open-ended? Is it even practical to adhere to the spirit of the law in terms of resources or is at least meeting the minimum mandates set forth by statutes most beneficial? How many individualized accommodation types should exist and what should they look like? Therefore, a central problem emerges: there could be inconsistencies and differences in the ways DSS providers interpret and carry out laws and regulations, which creates differential levels of services and outcomes for students. Intriguingly, DSS providers' perspectives on the spirit of the law are rarely explored. In fact, to date, no known studies have focused on this specific topic.

Purpose of the Study

The purpose of this study is to examine DSS providers' sensemaking of the spirit of disability law and how it impacts their work. I build on prior studies that advise DSS providers to embrace the spirit of the law; thus, addressing gaps in the literature in which the spirit of the law and DSS providers' understandings of the spirit of the law are not fully demarcated. That is, how do DSS providers conceptualize and apply the spirit of the law in terms of designing and providing accommodations while supporting students with disabilities through other services during their postsecondary experience? Also, a clearer picture of how DSS providers perceive the spirit of the law will lead to better and more comprehensive support systems, student success, and DSS providers' work satisfaction due to reduced ambiguity of the law.

If DSS providers are successful in interpreting and carrying out the spirit of the law consistently, more students will receive similar levels of support and success. Furthermore, the study is pertinent to practitioners and researchers in several ways. First, uncovering phenomena about the accommodation process significant to DSS providers offers new insights into their practice and cultivates additional research, enhancements to policy, and promising practices. Second, existing perspectives on how access to accommodations and services influences the likelihood of success for students with disabilities is expanded. For instance, the level and success of provided accommodations may be viewed as incentives that influence student enrollment and behavior (Paulsen & Toutkoushian, 2008). Third, the study adds contextual understandings to the broader topic of DSS in relation to accommodation (and service) design and availability for researchers and practitioners.

Research Questions

The central question and supporting questions are: How do postsecondary campus providers who deliver and make decisions on DSS processes and services make sense of and apply the spirit of the law for federal statutes and regulations when designing and implementing accommodations for postsecondary students at their campus? Specific questions are:

1. To what extent does the letter of the law shape DSS providers' implementation of policy?
2. How do DSS providers define and author the spirit of the law?
3. In what ways do DSS providers adhere to and operationalize the spirit of the law throughout the accommodation process? and

4. What are the common structures (i.e., mechanisms that establish communication and social connections) in place to inform, provide access to, and ensure effective outcomes for students at the postsecondary level beyond the letter of the law?

Prior to a critical review of literature and the theoretical framework, a brief discussion on the definitions and legal implications for disability support in higher education introduces a frame of reference for the study. Much of the literature surrounding disability law highlights historical developments, federal mandates, and differences between K-12 and postsecondary education. While those topics will be addressed, this section includes broader legal implications related to the letter of the law and spirit of the law.

Disability Support in Higher Education Defined

Differences Between Federal Disability Law for K-12 and Higher Education

Federal statutes are the primary forces behind educational disability law in the United States. Nonetheless, an important distinction exists between K-12 education and higher education. The Individuals with Disabilities Education Act (IDEA) affords public K-12 students with disabilities "access to a free appropriate public education" (IDEA, 2004, Subchapter I: General Provisions) with the objective to provide numerous services. In the K-12 setting, necessary equipment, alterations to courses, and other services are commonly provided for free by schools until a student turns 21 or 22 years old (IDEA 2004; Lee, 2004). The laws pertaining to higher education—Section 504 of the Rehabilitation Act of 1973 and the ADA—only provide access to the educational experience, do not guarantee equal success, and allow for reasonable accommodations or academic adjustments (Eckes & Ochoa, 2005; Madaus, 2005; Thomas, 2000). Specifically, the types of accommodations and services offered, expectations for student outcomes, and role of students to self-disclose and initiate the process differ between K-12 and

higher education (Eckes & Ochoa, 2005; Hamblet, 2017; Madaus, 2005). For instance, a student with a physical disability could hypothetically receive support from a personal care attendant (e.g., for personal hygiene and feeding) at the high school's expense while later being required to hire a personal care attendant on their own accord when attending college. Additionally, these differences are framed by legal definitions of disabled, qualified/otherwise qualified, reasonable accommodation, and duty to investigate, which are outlined in more detail in the ensuing text, that often cause confusion for students and parents who operated under different terminology within the secondary school environment (Hamblet, 2017; Janiga & Costenbader, 2002; Lightner et al., 2012; O'Shea & Meyer, 2016; Thomas, 2000).

As a baseline (i.e., the letter of the law), public and private[1] college and university personnel are required to not discriminate against otherwise qualified persons with disabilities and provide disability support services (Madaus, 2005; Milani, 1996; Thomas, 2000). According to Madaus (2005), "such services are sometimes called *generic* . . . and are made available to all students with disabilities" (p. 33). Common examples may include extended time on exams, using recording devices during in-class lectures, having a notetaker, or being allowed to take exams in external locations. Students who are protected under the law must fall within the legal definition of a disability: "the disability must 'substantially limit' a major life activity" (Thomas, 2000, p. 250). Additionally, to be *otherwise qualified*, a "student must participate in the standard admissions process and must have academic credentials that are equivalent to those of his or her peers without disabilities" (Madaus, 2005, p. 34). Thus, DSS providers have a minimum standard by which to meet. Yet complying with the law requires specific actions.

[1] Under Section 504, this only applies to public and private IHEs that receive federal financial assistance.

Colleges and universities must offer reasonable accommodations to otherwise qualified students. These accommodations have limitations in that they only provide equal footing to students with a disability (i.e., not give them an advantage over other students) and may not create excessive costs or other barriers for the postsecondary institution (Madaus, 2005; Milani, 1996; Thomas, 2000). Students who believe that they are being discriminated against in the accommodation delivery process may submit complaints to OCR, which enforces Section 504 and parts of the ADA (Milani, 1996; Thomas, 2000). After a person files a complaint of discrimination, OCR will investigate the claim and try to resolve any violations with the IHE (Milani, 1996). OCR's findings may imperil federal funding to IHEs or bring forth lawsuits (Milani, 1996; Rapp, 1994).

Spirit of the Law

Statutes often do not clearly demarcate policymakers' intent and guidance on implementation may be vague due to restrained statutory language needed for legislators to develop coalitions and pass legislation (Hill, 2003; Matland, 1995; Yanow, 1996). Accordingly, the true intent may only exist discreetly with legislators and policy designers. Even if the broad intent is clear, the meaning of a law may be understood differently by the personnel who implement policy (Tummers et al., 2012). Regardless, references to statutory intent or the spirit of the law found in policy-related literature is infrequently supported with empirical evidence.

Furthermore, the spirit of the law has different connotations based on the setting in which the phrase is used. As a statutory interpretation, the spirit of the law conveys specific implications tangential to public policy (Blatt, 1985; Levine, 2015). A statutory interpretation, which occurs at the judicial level, is a determination about the meaning of unclear law; it develops the understanding of a law (Brannon, 2018). The spirit of the law viewed in this legal

manner often assumes a procedural component (Blatt, 1985; Levine, 2015) or "pervades the law and works within the justices and the legal system in order to bring to light the true nature of the . . . text" (Langford, 2008, p. 123). For instance, Brannon (2018) presented distinct separations between the letter of the law (often embodied through legal textualism) and the spirit of the law (a purposive approach) in the context of disability law when citing *Arlington Central School District Board of Education v. Murphy* (2006). In this case, the majority of the Supreme Court of the United States took a textualist approach when concluding that IDEA literally only allows attorney fees, not also expert fees, to be awarded to parties who prevail. The dissenting purposivist perspective (while accounting for legislative history) considered expert fees (not just attorney fees) as an extent of the statute's purpose and Congress's intent (Brannon, 2018). While the letter of the law is more readily discernable in these terms, the spirit of the law is more abstract. Nonetheless, Crosthwait (2000) noted that "it is that spirit which honors, corrects, qualifies and reforms the letter of the law with the constant goal of satisfying the spiritual purpose of the law" (p. 813). For instance, in *Bond v. United States* (2014), the Supreme Court of the United States overturned the conviction of a chemist under the Chemical Weapons Convention Implementation Act of 1998. While the literal text of the statute appeared to justify a conviction, the act was meant to address terrorism and war crimes, not the domestic issue central to the case (Harvard Law Review, 2017). Manning (2011) noted that textualism ideals have influenced purposivism results, yet a precedence (even if beleaguered in modern times) afforded through *Church of the Holy Trinity v. United States* (1892) exemplified the way in which statutory intent may be construed by the courts (Chomsky, 2000; Harvard Law Review, 2017).

The spirit of the law in public policy and statutory interpretations (although different) share similarities. Matland (1995) stressed that "statutory mandates often are exceedingly vague.

They do not incorporate specific goals and they fail to provide reasonable yardsticks with which to measure policy results" (p. 155). While public policy may be shaped by multiple laws, the spirit of the law in this arena is often based on a governmental agency's interpretation of the statute as they convert text to action (Brannon, 2018; Matland, 1995; O'Toole, 2000). Yet the features that characterize the spirit of the law are rarely (if at all) defined or presented as examples. For instance, while the broad intent of the ADA (2008) is stated,[2] baseline mandates—as described previously—still exist. Notably, and likely due to broad language in disability law, some researchers do not view these baseline requirements as fulfilling the spirit of the law. For example, an approach grounded in the spirit of the law may consider an extended number of accommodations and services selected for a student's unique needs (e.g., considering the specific needs of a student who uses a wheelchair double-majoring in art and dance) and also deliver other supports to all students with disabilities (e.g., student organizations, counseling and career services, or study groups) even if not mandated by law. In many ways, the spirit of the law resembles an ideal that bridges the law's perceived intent (stated or unstated), compliance (the baseline requirements/letter of the law), and practice when used in this manner. Moreover, the spirit of the law focuses more on the additional actions necessary to enhance benefits allocated to individuals through policy instead of issues related to strict interpretations of legislative intent and compliance. The concept roughly serves as an unfixed scale by which actions are judged. Nevertheless, as previously stated, how the spirit of the law materializes in higher education and disability law is inconclusive in research. Thus, when used in terms of public policy, the spirit of the law may refer to going over and beyond the baseline requirements established by statutes or

[2] "In enacting the Americans with Disabilities Act of 1990 (ADA), Congress intended that the Act 'provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities' and provide broad coverage" (ADA, 2008, Section 12101 note).

the government agency's translation of the statute (Edmondson & Cain, 2002). Therefore, the public policy use of the phrase embodies the issues faced by DSS providers. While these observations may reside in the educational arena, examples of disability law and the spirit of the law appear in other settings.

Examples External to Higher Education or Disability Law

Rogan et al. (2002) explored the spirit of the law in state-level polices regarding employment of individuals with disabilities through an analysis of prior literature. While federal law continues to produce added protections for workers with disabilities, gaps still exist in access and attainment. That is, opportunities may exist in principle, but workers with disabilities are not able to realize those opportunities in society. Implementation of disability law by local, state, and federal agencies is partially to blame for the lack of success. Rogan et al. (2002) noted that "the legislative intent of the Rehabilitation Act appears to be interpreted differently across states. These differences in interpretation manifest themselves as differences in state policy and practices" (p. 51). The authors attributed this reality of decision making and interpretation to the values held (whether implicitly or explicitly) by each state (Rogan et al., 2002). Ultimately, Rogan et al. (2002) concluded that states with vocational rehabilitation programs that promote inclusiveness and active participation from the individual with a disability (both concepts grounded in the Rehabilitation Act) often see higher rates of participation; however, even innovative programs require tradeoffs that may negatively affect individuals with a disability. In essence, in order to realize the true intent of disability law on employment, multiple factors like a state's values and the unintended outcomes of practices must be considered. Additional examples of the spirit of the law and disability support exist in K-12 education.

While presenting practices grounded in literature and prior professional experiences, Edmondson and Cain (2002) addressed the spirit of the law and disability support in transitions from K-12 education to careers as adults—specifically, the collaboration between special education providers in K-12 and vocational rehabilitation agencies. The role of interagency coordination in fulfilling the spirit of the law is a key takeaway from the article. Additionally, although the employed research methodology is not a strength and assertions could be supported more completely, Edmondson and Cain (2002) provided beneficial examples of the letter of the law and spirit of the law in similar contexts. For example, Edmondson and Cain (2002) noted that "by the letter of the law [IDEA], transition services must begin by the age of 16. By the intent of Congress, they should begin at the age that best serves the needs of the individual student" (p. 13). Furthermore, although secondary schools are chiefly responsible for providing many of the transition services, "it was never the intent of Congress that the special educators accomplish the task alone. Congress . . . expected them to collaborate with other agencies for the provision of these services" (Edmondson & Cain, 2002, p. 12). Ultimately, this article characterizes the dynamic between the letter and spirit of the law in policy design and implementation even while broader understandings are loosely defined.

The spirit of the law also appears in Title IX literature. Moylan (2017) found that "participants described lingering confusion about the mandates and the multiple interpretations of those mandates" (p. 1134) while addressing campus sexual assault. Likewise, Moylan and Hammock (2019) concluded that postsecondary providers should gauge how "their institution has fully embraced not just the letter of the law (i.e., compliance) but also the spirit of the law (i.e., increasing justice by embracing their systemic responsibility for preventing and responding to sexual violence on campus)" (p. 22). While these studies will be explored in more detail when

reviewing policy implementation, reinforcing the connection with the spirit of the law should not be overshadowed. Additional studies directly connect the spirit of the law with disability support at IHEs.

Spirit of the Law Related to Disability Support in Higher Education

Similar to the inherent vagueness of the meaning behind the spirit of the law, references to the concept takes many forms in research literature regarding higher education disability support. Kurth and Mellard (2006)—in a mixed method study that scrutinized how students with disabilities viewed accommodation practices and the effects of such methods on students' experiences in higher education—specifically referenced the need for DSS providers to observe the spirit of the law. The study was predicated on the hypothesis that "ineffective and inappropriate accommodations result from an accommodation process that focuses on disabilities rather than students' contextual and functional needs" (Kurth & Mellard, 2006, p. 72). Kurth and Mellard (2006) contended that accommodations should "not only differ from student to student, but from one circumstance to another for each student" (p. 72). Many IHEs, however, routinely employ a list of pre-established accommodations that do not allow for contextual influence. Surveys and focus group interviews were conducted over a three-year span with students with disabilities at community colleges in California, Kansas, and Minnesota. While Kurth and Mellard (2006) did not categorically corroborate their hypothesis, they concluded that the results suggested a need to explore the hypothesis further. For instance, a quarter of the responses revealed that many of the accommodations regularly made available to students with certain disabilities were deemed unhelpful. Thus, offering services to students solely based on a diagnosed disability instead of students' needs may not produce positive experiences and results. Other similar dichotomies arose concerning the effectiveness of accommodations. Students

indicated in the survey that certain accommodations were successful, yet in the focus group noted that while those same accommodations *could* be helpful, they were not effective in every case. Overall, Kurth and Mellard (2006) concluded that disability support providers must not simply deliver equal access to students with disabilities (i.e., the letter of the law), they must take unique individual and environmental circumstances into account when considering what accommodations should be made available (i.e., the spirit of the law). Nevertheless, examples of accommodations that comply with the spirit of the law were not presented.

Likewise, in a dissertation surveying the knowledge and training of DSS providers in California, Guillermo (2003) described the spirit of the law as "the underlying intentions of the legislation and the original reason and purpose for the legislation's existence" (p. 21). In the study, DSS administrators were more focused on knowing how to provide accommodations instead of acquiring information on disability legislation, which Guillermo (2003) attributed to administrators' desire to accomplish the spirit of the law. Yet no additional data or literature were offered to support this claim. Nonetheless, the concept overlaps with calls in research to go beyond basic service options and implement "good faith" efforts (Brinckerhoff et al., 1992; Duffy & Gugerty, 2005; Madaus, 2005; Thomas, 2000). Central to this study, the definitions and recommendations presented from the literature do not capture postsecondary DSS providers' interpretations and understandings of the spirit of the law, especially regarding disability law.

CHAPTER 2

LITERATURE REVIEW

A considerable body of research exists about students with disabilities in postsecondary education. Several themes from the general literature emerge. Topics related to access, design, delivery, and evaluation of accommodations and services frequently surface in research. Furthermore, literature on the laws that pertain to students with disabilities in higher education are copious. Likewise, policy implementation literature presents numerous relevant themes external to disability support. For this study, I will review the philosophies that guide policy implementation, compliance, and the influence of individual providers on policy implementation. Collectively, these concepts observed in research literature support this discourse in terms of what the spirit of the law means to DSS providers and how it affects implementation. Nevertheless, beginning with a review of disability support literature establishes critical issues that permeate this study.

Disability Support Services

Accommodations and DSS processes are central to discussions surrounding the spirit of the law. Several themes that directly speak to how DSS providers apply the spirit of the law throughout the accommodation process emerge from the literature. These include services provided during the secondary-to-postsecondary transition; students' knowledge of DSS, accessing those services, and documentation requirements; types of accommodations (in terms of design and effectiveness) made available; and delivery of accommodations.

Transition Services

The high school experience can be an important influencer on postsecondary enrollment for all students irrespective of recognized impairments (Engberg & Wolniak, 2010). This is particularly true when considering transition services for students with disabilities. In several studies about the high school-to-college transition, students with positive transition experiences were able to make meaning of their socially assigned disability (O'Shea & Meyer, 2016) and better prepared to seek accommodations and disability support services that increased their likelihood to persist in college (Lightner et al., 2012; Newman et al., 2016; O'Shea & Meyer, 2016; Stein, 2013). The positive outcomes and motivation to seek services are often attributed to guidance from high school DSS providers and parents (Lightner et al., 2012; O'Shea & Meyer, 2016; Stein, 2013), yet the quality of transition services available to students in high school is important as well (Lightner et al., 2012). O'Shea and Meyer (2016) observed through interviewing students with "hidden" disabilities (i.e., those in which an impairment is not immediately discernable) that a student's experience with disability support services in high school and the adult figures (e.g., counselor or parent) who helped them transition into postsecondary education are important contributors to students seeking services in college. Students in the study learned how to make meaning of their socially assigned disability, received emotional and academic support, and obtained resources and information geared towards success in college. Viewed singularly, the study did not lead to generalizable findings due to a small sample size of 11 students at a single postsecondary institution. Nonetheless, other studies support O'Shea and Meyer's (2016) results.

In a research approach similar to O'Shea and Meyer's (2016), Stein (2013) investigated the ways in which students with psychological disabilities used and understood the effects of

disability support services at the postsecondary level. In fact, Stein (2013) discovered that students with psychological disabilities who received services in secondary education "knew the benefit of assistance, and many were encouraged by their teachers, counselors and case managers to seek accommodations in their postsecondary educational setting" (p. 158). Additionally, many participants had documentation of their disability thanks to the support received in high school. Obtaining documentation is a significant step in the accommodation process. Like O'Shea and Meyer (2016), Stein (2013) interviewed a small sample of students (16 participants) from a single university. These studies illustrated that for some students, pre-college experiences directly influence students' transitions into higher education. Similar conclusions were reported in a study using national survey data.

Newman et al. (2016) used propensity score modeling to build on prior studies and analyze the impact of "components of high school transition planning and the receipt of services at the postsecondary level" (p. 500) on students. Expanding the generalizability of prior research was a stated objective. Using data from the National Longitudinal Transition Study-2 (NLTS2), Newman et al. (2016) discovered that students with disabilities who experienced transition planning and corresponding educational services were more likely to seek and use services in the postsecondary setting. This finding was particularly true for students who attended two-year and Career and Technical Education (CTE) institutions. Notably, only 62% of students at CTE institutions, 58% at two-year institutions, and roughly 50% at four-year institutions reported receiving a transition plan in high school. Newman et al. (2016) recommended that transition services become universal for students due to the positive influences on seeking and using services in higher education. As witnessed in Newman et al.'s (2016) suggestion for future research, the quality of transition services available to students is vital to their experiences.

For example, Janiga and Costenbader (2002) studied the issue of transition services from the perspective of postsecondary disability support providers and found that postsecondary providers believe students to lack self-advocacy skills in most transitions from high school to college. Janiga and Costenbader (2002) surveyed 74 postsecondary providers from New York state about areas of strengths and weaknesses with transition services for students with learning disabilities. The results showed that postsecondary disability support providers were not satisfied with the transition process. Specifically, they were most concerned about students' self-advocacy skills and ability to function autonomously without constant parental presence in the postsecondary environment. Thus, an interesting paradox arises between Janiga and Costenbader (2002), and Lightner et al. (2012) and O'Shea and Meyer (2016). That is, students described the significance of support from high school staff and parental figures before and during the transition into college (Lightner et al., 2012; O'Shea & Meyer, 2016). Nevertheless, once students arrived at college, postsecondary providers believed that qualities associated with the extra support inhibited students in the new educational environment (Janiga & Costenbader, 2002). Janiga and Costenbader (2002) contended that better communication between secondary and postsecondary institutions would produce enhanced outcomes for students. Still, the study only reported results from a basic survey without a rigorous statistical analysis to address a hypothesis. Additionally, several of the survey questions measured postsecondary providers' satisfaction with issues related to high school disability support staff. While the insight was compelling, participants' knowledge of secondary services and the laws that govern that sector were not addressed in the survey.

As the first step to formally obtaining access to accommodations and services, transition services are a significant element to the conversation surrounding access. Yet this is only one

step in a larger process. Accordingly, additional literature delves into students self-disclosing a disability and beginning the measures to seek services.

Student Self Disclosure and Initiating Accommodation Process

Once on campus, students often face hurdles to jumpstart the accommodation process because of the prerequisite to self-disclose a disability. Although students may have utilized disability services in high school, many do not self-disclose (an entirely voluntary act) their disability (Newman & Madaus, 2015). This often occurs because students do not acknowledge (or recognize the significance of) the disability (Aquino & Bittinger 2019; Newman & Madaus, 2015), lack knowledge about academic consequences (Denhart, 2008), encounter issues with documenting and proving a disability (Salzer et al., 2008; Weis et al., 2014), are insufficiently prepared to self-advocate (Hadley, 2006), and possess concerns with social stigma (Abdul Nasir & Erman Efendi, 2019; Barnard-Brak & Sulak, 2010; Denhart, 2008; Salzer et al., 2008).

Even with barriers to self-disclosing a disability, students must also have the motivation to initiate the process. Students who wait to request services cite time constraints (Lightner et al., 2012), a lack of understanding about disability services (Denhart, 2008; Lightner et al., 2012), struggle with the workload of postsecondary education (Denhart, 2008), and fear the stigma of having a diagnosed learning disability (Denhart, 2008; Lightner et al., 2012). A study conducted by Denhart (2008) unearthed an “overwhelming reluctance” (p. 493) to seek or employ accommodations from students with learning disabilities. The study consisted of phenomenological interviews with 11 students with learning disabilities. Students’ unwillingness to explore potential accommodations permeated Denhart’s (2008) discourse. A majority of students in the sample suggested that they did not obtain adequate information on the impact of a learning disability on daily functions, struggled with the workload of postsecondary education,

and feared the stigma of having a diagnosed learning disability. Unfortunately, Lightner et al. (2012) discovered that "academic failure or levels of academic performance that prevented other activities" (p. 153) often contributed to students finally seeking services later in their postsecondary career. Even if accommodations are requested, however, the provided services may not be deemed effective.

Accommodations: Effectiveness, Selection, Utilization, and Delivery

Effectiveness. A surprisingly low number of studies have rigorously assessed accommodation effectiveness. Those that did (see Cawthon & Cole, 2010; Hsiao et al., 2018; Kurth & Mellard, 2006; Scott, 2019) primarily relied on students' self-reported insights, not objective reviews of grades, student persistence, or graduation rates. Regardless of this observation, the topic of designing and providing accommodations based on individualized needs emerged as an effective strategy in several studies (e.g., Cawthon & Cole, 2010; Jansen et al., 2017; Kurth & Mellard, 2006; Scott, 2019). Hsiao et al. (2018) conducted a single case study on effective accommodations for students majoring in music. Although appearing to be peculiarly specific at first (the case study involved one student), the study presented several findings highlighting the interdepartmental collaboration found at many IHEs in the United States. For instance, the student required unique accommodations based on the music program's academic demands. DSS providers could make generic accommodations available, yet they may not address the student's needs to meet academic expectations. Hsiao et al. (2018) found that effective accommodations arose from DSS providers and faculty members communicating and collaborating on the specific demands of the program, offering professional development on disability support to faculty members, and DSS providers' continuous direct support to the student after providing accommodations. Importantly, the accommodations deemed effective

were designed specifically for the student based on input of both the DSS providers and music faculty. While offering a practical example of how unique accommodations may be developed beyond standard possibilities, Hsiao et al. (2018) did not clearly define effectiveness or what makes an accommodation effective. Jansen et al. (2017) turned to students' perceptions when attempting to uncover effective accommodations.

Jansen et al. (2017) explored the effectiveness of accommodations for students with ADHD at IHEs in Flanders. The study, which offers a comparative example to other literature in this review, was fashioned to determine the rate of students with ADHD exhibiting "different functioning and participation problems" (Jansen et al., 2017, p. 38), if identified characteristics were unique to students with ADHD, and in what instructional and assessment settings did these characteristics occur. The quantitative research design consisted of online surveys delivered to students with ADHD, students without a disability, and counselors at institutions of higher education. Data collected on students without a disability (a group that could still include those with undiagnosed impairments) and counselors provided comparisons to those collected from students with ADHD. Interestingly, and a potential weakness in the research design due to characteristics of individuals diagnosed with ADHD, the survey was built to take twice as long (40 minutes compared to 20 minutes) to complete for students with ADHD than other participants. Jansen et al. (2017) discovered some differences between the views of students with ADHD and counselors (e.g., counselors noted that students with ADHD exhibited impulsive behavior more frequently than students identified). Nonetheless, a salient concept emerged: although students with ADHD collectively reported extended time on exams as "most effective to deal with the majority of functioning and participation problems" (p. 48), they identified sundry accommodations deemed effective. Particularly, the general use of accommodations was

viewed as effective, yet the success of specific accommodations depended on the individual student. Also, students with ADHD who did not use accommodations were concerned with social stigma or were unaware (or misunderstood) of the effectiveness of using accommodations. Regardless of an accommodation's effectiveness, barriers and uncertainty remain for students when attempting to obtain the accommodation.

Selection Process. The process of selecting and obtaining accommodations appeared as an area for improvement in both practice and research. Although not always a linear progression, the selection process occurs once DSS providers identify and approve accommodations. Cawthon and Cole (2010), Salzer et al. (2008), and Scott (2019) all unearthed confusion among students regarding what accommodations were most appropriate to use for their unique needs. Effective accommodations and student motivation to seek services converge when DSS providers and students select suitable accommodations or discuss other services. The experience, however, is not always productive. For instance, Cawthon and Cole (2010) found that "a total of 21% of students surveyed indicated that they had encountered an obstacle to obtaining accommodations while . . . 13% [of] participants reported obstacles that could be remediated such as setting up tests or getting an evaluation" (p. 123). Moreover, Scott (2019) noted that "students expressed confusion about what forms of 'disability' were eligible for accommodations and services" (p. 9). Salzer et al. (2008) discovered that 37% of respondents with psychiatric disabilities encountered issues with recognizing suitable accommodations. Therefore, students have identified an area in which the accommodation selection process could be improved.

Furthermore, a gap in the research literature appeared. To date, limited research specifically addressing phenomena associated with the accommodation selection process between students and disability support providers is evident. As Cawthon and Cole (2010),

Salzer et al. (2008), and Scott (2019) demonstrated, however, this theme has surfaced in the literature. The literature covering the next stage in accessing accommodation—operationalizing the chosen support strategies—is more abundant.

Use. Many issues associated with students waiting to self-disclose a disability persist after an accommodation is provided. Students may not (and are not required to) use the accommodation. Reasons for not using an accommodation include students not viewing a diagnosed disability as a limitation (O'Shea & Meyer, 2016; Salzer et al., 2008), feeling guilty for using an accommodation (O'Shea & Meyer, 2016; Ryan, 2007), and the influence of peer stigma (Deckoff-Jones & Duell, 2018; Dowrick et al., 2005; Kurth & Mellard, 2006; Scott, 2019). In a study focused on students with psychiatric disabilities, Salzer et al. (2008) analyzed over 500 online survey responses while investigating awareness of and use of disability support services among students. Salzer et al. (2008) found that 58% of former students cited a lack of awareness about disability support services for not using accommodations in college while 48% of current students noted that they did not require accommodations—both were the chief reasons for not using accommodations. Salzer et al. (2008) attributed current students' beliefs that accommodations were unnecessary to self-determination and increased education about accommodations. On the contrary, the students' views could be explained by O'Shea and Meyer's (2016) notion that students who internally diminish the impact of a disability on their academic and social needs may not seek accommodations. Additionally, Salzer et al. (2008) noted that "34% of the respondents reported formally requesting accommodations, but 76% reported receiving at least one support while in college" (p. 374). Without citing additional evidence or prior studies, Salzer et al. (2008) stated that the finding was a sign of instructors' willingness to assist students with psychiatric disabilities without forcing them to formally

request accommodations. Other potential influences on participants' responses—such as length of time since enrolling in college and students' understandings of the formal accommodation process or accommodations—were not discussed. Although Salzer et al.'s (2008) assertions require additional testing for validity, the study provided further data on students' perspectives concerning available accommodations and the accommodation process. Akin to the impact of self-perception on using accommodations, students' negative interactions with peers without disabilities and the campus environment are often linked to stigma from the campus community.

Delivery. Even if a student decides to utilize an accommodation in class, faculty members may not be receptive to applying the accommodation even if mandated by law. Students report that faculty members lack knowledge of how to handle an accommodation (Cawthon & Cole, 2010; Kurth & Mellard, 2006; Scott, 2019), may be unwilling to allow accommodations for invisible disabilities or reduce a student's disability to common issues experience by non-disabled peers (Cawthon & Cole, 2010; Scott, 2019), or are unavailable or nonresponsive to address the students' request for accommodation. Published 20 years after Section 504 and three years after the ADA were passed, West et al. (1993) conducted a general study on the satisfaction of accommodations, existing barriers, and accessibility of services for students with disabilities who attended colleges in Virginia. The 761 student respondents to the survey depicted several themes already reviewed in this paper (e.g., access to effective accommodations, campus ecology barriers, and social stigma). Nonetheless, the pronounced lack of support or knowledge of disabilities from faculty members with in-class accommodations surfaced as a notable finding. Reports of faculty members refusing to teach students with disabilities, denying accommodations, and downplaying students' disabilities as part of everyday life emerged. West et al. (1993) pointedly noted that "these accounts, if accurate, seem to show

not only an insensitivity to Section 504 regulations, but also a direct violation of them" (p. 462). Another study approached this topic from the viewpoint of faculty members.

Also published in the 1990s and heavily reliant on prior literature from the 1980s and 1990s, Leyser et al. (1998) conducted a large-scale study of faculty members' experiences regarding accommodations for students with disabilities. A survey was administered to 1,050 faculty members at a single research university. Leyser et al. (1998) found that a majority of faculty members had limited interactions with students with disabilities and limited knowledge of disability law and support structures. Faculty members were largely willing to make accommodations if the actual implementation did not consume much time or stray too far from the standard teaching methods. Overall, Leyser et al. (1998) noted that faculty members lacked the proficiency to provide accommodations but expressed interest in professional development opportunities regarding disability support services.

Many relevant articles about faculty attitudes towards accommodation delivery were published in the 1990s and early 2000s. Gilson et al. (2020) delivered a recent study on inclusion for students with intellectual and developmental disabilities (IDD) in postsecondary education programs (i.e., programs for students without formal high school diplomas who seek certificate training or other life-skill experiences). Gilson et al. (2020) explored inclusion on campuses in which postsecondary education programs operated separately from the broader campus community. Faculty members and students (undergraduate and graduate level) participated in a survey at a single research university. Both faculty members and students valued inclusion of students with intellectual and developmental disabilities and were willing to obtain "training related to supporting people with IDD to thrive in a collegiate environment" (Gilson et al., 2020,

p. 79). The findings are mostly cursory yet offer a contemporary snapshot of faculty (and student) attitudes towards a subsection of students with disabilities.

In summary, several relevant methodological approaches and topics take shape in the research on disability support. Although quantitative methods employing surveys are common, many of the studies seeking a deeper perspective on individual's experiences conducted interviews or mixed methods approaches (Denhart, 2008; Hadley, 2006; Hsiao et al., 2018; Kurth & Mellard, 2006; Lightner et al., 2012; O'Shea & Meyer, 2016; Ryan, 2007; Stein, 2013). While these approaches diminish generalizability, they offer personable and detailed vantagepoints of the individuals significant to the studies. Additionally, the themes relevant to this study include transition services, initiating the accommodation process, and accommodation design, use, and delivery. These topics embody domains within disability support in which the spirit of the law may be actualized and influence other aspects of this study like theory and methodology. The thread of ideas presented in the preceding disability support literature drive conversations on policy implementation.

Policy Implementation

Policy implementation is core to the topic of the spirit of the law. Matland (1995) and O'Toole (2000) framed policy implementation as the actions happening after government (or the designer of policy) establishes a desired objective (even if ambiguous) on society. Although policy implementation literature is largely positioned outside of higher education disability support services, several concepts directly guide this study. Philosophical views of implementation, issues of compliance, and the influence of personnel's knowledge and desire to implement policy are particularly relevant to the topic of the spirit of the law and will be explored in more detail.

Philosophical Perspectives

Two approaches of understanding policy implementation dominate the literature. Top-down and bottom-up perspectives—also referred to as "top-downers" and "bottom-uppers" (Matland, 1995)—influence how researchers and implementers understand implementation through varying ideals and worldviews. While disagreement still exists on the most pragmatic or effective view, aspects of both perspectives may materialize concurrently (Matland, 1995; O'Toole, 2000). Top-downers consider policy designers to be key actors in the process, focus on the language communicated in statutes, and call for clarity in the statutory language (Matland, 1995). Bottom-uppers contest that implementation is best understood when focusing on a policy's implementer (i.e., their skills, characteristics, and knowledge) and the target population, which is driven at the local level. Simply put, Matland (1995) noted that "top-downers tend to choose relatively clear policies. Bottom-uppers study policies with greater uncertainty inherent in the policy" (p. 155).

Furthermore, building on prior literature, Matland (1995) introduced the ambiguity/conflict model as a means to better understand both approaches described above. The model organizes types of policies as "low conflict-low ambiguity (administrative implementation), high conflict-low ambiguity (political implementation), high conflict-high ambiguity (symbolic implementation), and low conflict-high ambiguity (experimental implementation)" (Matland, 1995, p. 145). Ambiguity may arise from a lack of clear goals and a lack of means and resources. As illustrated in Figure 1, a low ambiguity and low conflict policy includes clear language and maintains popularity among policy designers while a high ambiguity and high conflict policy uses vague language and may be confrontational. In essence, top-down views tend to lean towards policies with low ambiguity while bottom-uppers gravitate towards

low conflict and high ambiguity policies. Nevertheless, the specific contexts surrounding policy may shape where it falls in the model. The lenses presented above offer ways of understanding other topics embedded in policy implementation literature, including literature examining compliance.

Compliance

Policy compliance anchors implementation literature and the spirit of the law. Although minimal literature on implementation of disability law has been located to date, parallels with Title IX implementation at IHEs are evident. In research on how IHEs implement policy combatting sexual assault, Moylan (2017) and Moylan and Hammock (2019) unearthed several salient connections between policy implementation, compliance, and the spirit of the law.

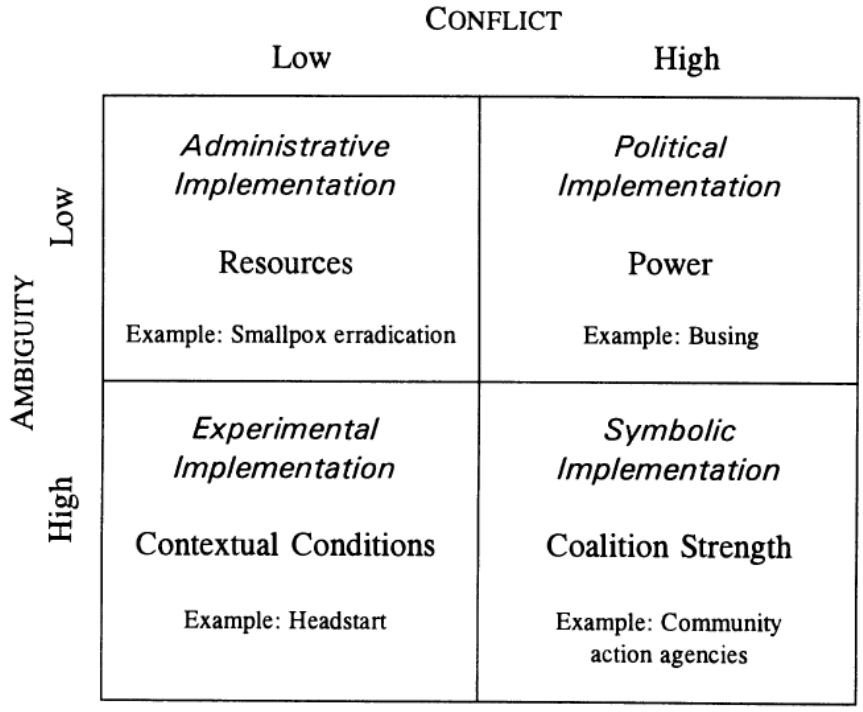

Figure 1. *Ambiguity/Conflict Model.* From "Synthesizing the implementation literature: The ambiguity-conflict model of policy implementation," by R. E. Matland, 1995, *Journal of Public Administration Research and Theory, 5*(2), p. 160 (https://doi.org/10.1093/oxfordjournals.jpart.a037242). Copyright 1995 by Oxford University Press. Reprinted with permission.

For instance, IHEs often direct resources to compliance (e.g., hiring more compliance-based employees instead of experts in the area) to safeguard from liability (Moylan & Hammock, 2019). Thus, individuals with more experience in compliance who lack intimate knowledge of the professional practices for a specific functional unit may end up with more authority in policy implementation. Therefore, individuals who could advance an IHE's output within their respective sphere of influence on campus may be unable to progress beyond compliance. Additionally, Moylan and Hammock (2019) highlighted the reality that IHEs may be compliant with a federal law while still negatively affecting students. In the realm of disability support, this concept could emerge in the form of students with disabilities failing coursework, not attaining social benefits of the college experience, and developing negative identities even when receiving accommodations. Conducting semi-structured interviews with campus-based sexual assault advocates, Moylan (2017) noted that more than 70% of "participants described how their institution at times focused narrowly on achieving a minimal level of compliance rather than thinking more broadly about how to translate the reforms holistically on their campus" (p. 1131). Finally, serving as a significant comparison to the topic of disability support in relation to the spirit of the law, Moylan and Hammock (2019) noted that IHE personnel should

> assess the extent to which their institution has fully embraced not just the letter of the law (i.e., compliance) but also the spirit of the law (i.e., increasing justice by embracing their systemic responsibility for preventing and responding to sexual violence on campus). (p. 22)

Nevertheless, Moylan (2017) found that practitioners have incessant uncertainty about federal requirements and the ways in which they should be interpreted. Interestingly, both Moylan (2017) and Moylan and Hammock (2019) did not provide evidence of statutory intent for Title

IX; instead, the studies offered anecdotal examples of going beyond compliance with policy implementation.

Another parallel comes from Title IX implementation at IHEs. Moylan et al. (2020) surveyed postsecondary faculty, staff, and administrators on priorities and attitudes of campus sexual assault (CSA) policies and implementation. Survey respondents largely indicated that added focus on CSA reform led to improvements on campus (primarily as a result of interventions related to due process and victim-focused approaches), that due process was a higher priority than victim-focused reactions, and that personnel at public IHEs believed reforms were less likely to create improvement than those at private IHEs. Overlapping with the topic of spirit of the law, Moylan et al. (2020) noted that "meeting the minimum compliance standards may protect the IHE from liability, but also may conflict with best practices for preventing and responding to CSA leading to new policies that may actually harm victims" (p. 3). Additionally, inconsistencies exist in the ways that IHEs enact CSA reforms in policy and limited information has been collected on how the policies are truly being implemented. In sum, this speaks to the topic of policy implementation and organizational sensemaking[3] for postsecondary DSS providers in that inconsistencies may exist across various policy requirements and that simply complying with law does not assure achievement of desired goals. Additional literature on the role of policy implementers advances this topic.

Influence of the Implementer

The individual or individuals tasked to implement policy play an important role in a policy's overall impact. The way policy is understood and fulfilled may vary due to the amount of knowledge that implementers possess (Hill, 2003). Drawing from case studies of policing in

[3] Defined in the theoretical framework section.

the United States, Hill (2003) investigated how street-level bureaucrats (i.e., the implementers) interpret and understand murky statutory language and how street-level bureaucrats' knowledge and skill influences policy realization. Hill (2003) found that policies may fail as a result of the knowledge or access to beneficial resources for implementers. When considering implementers as policy shapers, the notion of an individual's skill and knowledge is critical. For instance, an employee who is tasked to carry out specific measures, but maintains minimal knowledge of the policy, may implement diluted or entirely obsolete actions. Attempting to understand the intent of policy, how it influences society, and how it aligns with personal ethics also play into the concept of policy implementation (Hill, 2003; Tummers et al., 2012). Furthermore, professional organizations influence implementers' interaction with policy, which in turn shapes policy interpretation and implementation (Hill, 2003). Additionally, organizational culture may influence a street-level bureaucrat's understanding of policy in positive and negative ways. For example, organizations may send implementers to ineffective training opportunities only to validate compliance or improve public appearance. Yet while knowledge and skills are important to individuals wishing to implement policy, the willingness to implement policy must also be considered.

A policy is not guaranteed to make an impact on society merely because it exists. Individuals charged to actualize the objectives of policy designers may grapple with their reluctance or willingness to implement the policy and ultimately influence effectiveness. In a quantitative study from the Netherlands, Tummers et al. (2012) explored various issues that influence an individual's willingness (or hesitancy) to implement policy. The substance of a policy is a prime factor in determining an implementer's willingness to fulfill the action. This finding is framed through three concepts of meaninglessness: societal meaninglessness, client

meaninglessness, and personal meaninglessness (Tummers et al., 2012). In essence, the individuals tasked with implementation may consider a policy to be meaningless to society (societal), people for which the policy is intended to benefit (client), and of no personal significance to themselves (personal). For instance, if a member of a DSS office believes a policy will negatively impact a student with a disability, they may be unwilling to effectively execute the actions expected of the policy designers (client unwillingness). Notably, Tummers et al. (2012) also found that organizational cultures and other personal qualities of implementers influences effective outcomes of policy. As this article and others revealed, a thorough assessment of the gaps in policy implementation and disability support literature is advantageous.

Summary

A lack of targeted studies with multi-institutional or multi-state samples is apparent from the disability support literature. Some studies selected institutions or participants across states (Dowrick et al., 2005; Kurth & Mellard, 2006) or used national data sources (Newman & Madaus, 2015; Newman et al., 2016; Scott, 2019). Yet many articles focused on single institutions (Gilson et al., 2020; Leyser et al., 1998; O'Shea & Meyer, 2016; Stein, 2013). Additional research on a broader scale would generate valuable data that accounts for current phenomena on a regional or national level.

Furthermore, the conversation about designing effective accommodations is littered with suggestions by, and for, researchers and practitioners. In particular, the topic of the spirit of the law surfaces in several studies. For instance, researchers directly and indirectly recommend that policies and practices comply with the spirit of the law in regard to Section 504 and the ADA (Duffy & Gugerty, 2005; Hoogendoorn, 2019; Kurth & Mellard, 2006; Madaus, 2005; Thomas,

2000; West et al., 1993). What the spirit of the law looks like in policy and practice, however, is rarely (if at all) defined or presented in research. Additionally, the effectiveness of the "over and beyond" implication associated with the spirit of the law is lacking in research. This is significant because researchers point to the spirit of the law as an important contributor to student success. If that is truly the case, then other policy makers and practitioners should have access to examples of successful structures and policies in order to provide similar levels of service.

Finally, the spirit of the law permeates policy implementation literature. Nonetheless, the examples and outlooks are rarely supported by empirical research. Thus, while certain phenomena may appear in practice, more rigorous research may better encapsulate personnel's experiences with policy implementation. Notably, the philosophical standings observed in literature suggest that my study most closely aligns with a bottom-up approach to implementation due to the unclear nature of policy and a focus on the individual making sense of and implementing policy (Matland, 1995). Importantly, the disability support and implementation literature only address one component of the central research question for this study—how DSS providers apply and implement the spirit of the law through accommodations and other services. The ways in which DSS providers make sense of the spirit of the law, however, is rooted in the theoretical framework.

Theoretical Framework

A theoretical framework is the convergence of the researcher's worldview, existing theory, and literature (Jaeger et al., 2013). Creswell and Creswell (2018) noted that theory "is used as a broad explanation for behavior and attitudes" (p. 61). Accordingly, the established theories of sensemaking (although the label of "theory," as will be discussed, is debated for this

concept) and social construction of target populations are appropriate for this study, and guide the topic, research questions, and overall research method.

Sensemaking

People attempt to make sense of the events and environments that occur around them. Weick (1995)—a leading researcher on sensemaking in organizations—described sensemaking as a concept in which individuals construct and author explanations for stimuli based on a variety of experiences and expectations. Sensemaking is more complex than solely interpreting information, which is a process that converts data from one source to a socially recognized other source. Instead, sensemaking incorporates interpretations along with surrounding factors to construct sense. Simply put, "sensemaking is about authoring as well as interpretation, creation as well as discovery" (Weick, 1995, p. 8). Maitlis and Christianson (2014) associated sensemaking with "understand[ing] novel, unexpected, or confusing events" (p. 58). Like the varying perspectives of the spirit of the law, no single definition of sensemaking is preeminent (Maitlis & Christianson, 2014). For instance, some researchers consider sensemaking a theory (Coburn, 2005; Saltrick, 2010; Sumbera et al., 2014) while others described it as a concept or perspective (Weick, 1995; Weick et al., 2005). This section outlines the sensemaking process, structures in which sensemaking may be understood, and ways in which sensemaking is employed in practice.

Frameworks and Causes of Sensemaking in Organizations

Weick's (1995) classic characterization of sensemaking encompasses seven qualities: "grounded in identity construction, retrospective, enactive of sensible environments, social, ongoing, focused on and by extracted cues, driven by plausibility rather than accuracy" (p. 17). Identity construction pertains to the individual tasked with making sense of stimuli; they possess

some sense of self that influences the ways in which sensemaking may occur. Weick's (1995) oft-challenged view that sensemaking is a retrospective process derives from observations that individuals only know that a stimulus has occurred after the fact and that meaning is assigned after recognition of said stimulus. Additionally, the environment, in terms of sensemaking, is partially constructed by individuals. Thus, a social aspect to sensemaking emerges from the convergence of individuals' encounters with phenomena and the environment in which they are experienced or understood. In addition, sensemaking has no beginning or end. Weick (1995) argued that people are always in the middle of some type of project, which influences how external forces disrupt their understanding of the current environment. Although several references have already been made to individuals making sense of stimuli, the notion of "extracted cues" supplements the sensemaking process. Specifically, extracted cues are existing constructs that people reference when grappling with unfamiliar changes. Finally, the point of sensemaking is not to develop the most correct understanding of phenomena. Weick et al. (2005) best summarized this quality of sensemaking when noting that the concept "is not about truth and getting it right. Instead, it is about continued redrafting of an emerging story so that it becomes more comprehensive, incorporates more of the observed data, and is more resilient in the face of criticism" (p. 415). While these seven characteristics offer a foundational structure, additional appraisals sprout broader outlooks on sensemaking.

For instance, Weick (1995) considered organizations to be loosely coupled in which individuals have freedom interpreting and authoring stimuli—a key element to bottom-up sensemaking (Choo, 2001; Kezar, 2013; Kezar & Eckel 2002; Maitlis & Christianson, 2014). Bottom-up sensemaking occurs when employees in informal positions of authority instigate the sensemaking process. Comparing sensemaking as retrospective and prospective processes

augments the conversation. As referenced above, Weick's (1995) perspective that sensemaking is a retrospective process is not universally accepted. For instance, sensemaking has been employed as a "forward-looking prospective" (Gioia & Mehra, 1996, p. 1229) in which sense is made of plausible future events. Specifically, Gioia and Chittipeddi (1991) uncovered that sense could be made of anticipated future events or shared desired images not yet attained. For example, policy implementers may shape an organization's identity or establish aspirational goals through sensegiving and sensebreaking. Maitlis & Christianson (2014) noted that "sensegiving is often studied in the context of how organizational leaders or managers strategically shape the sensemaking of organizational members through the use of symbols, images, and other influence techniques" (p. 67). Sensebreaking plays a role in unraveling original or current interpretations held by individuals within the organization. Change agents often undo meanings associated with outdated ways of conducting business and offer different meanings that align with the preferred change (Sonenshein, 2010). Importantly, both sensegiving and sensebreaking are meant to influence outcomes while sensemaking forms the broader framework to comprehend phenomena (Kezar, 2013). Hence, a prospective approach recasts sensemaking as a vehicle to enact transformational implementation, not just a way of discovering how actions occur retrospectively (Choo, 2001). While these frames of reference offer valuable structures to understand sensemaking, the circumstances that precipitate sensemaking are important as well.

Sensemaking is needed when individuals' normal understandings and expectations of stimuli do not match the experience at hand and outcomes to issues are unclear. External forces are often viewed as the primary catalysts for sensemaking, but internal efforts may also necessitate sensemaking (Gioia & Chittipeddi, 1991; Maitlis & Christianson, 2014; Milliken,

1990). Furthermore, sensemaking may occur as a responsive action or through intentional interactions (Maitlis & Christianson, 2014). Nevertheless, sensemaking is not a linear process and entails feedback loops (Thomas et al., 1993; Weick, 1995). Consequently, the descriptions of sensemaking outlined above vary based on an individual's position or role in an organization.

Variation in Sensemaking Based on Position or Role in Organization

CEOs or division leaders may be the first in the organization to engage in sensemaking and attempt to direct sensemaking for the organization (Barr, 1998; Maitlis & Christianson, 2014). Often, formal leaders must challenge current perspectives (i.e., sensebreaking) before presenting the viability of a new direction (i.e., sensegiving). Middle managers commonly balance roles of understanding the administration's sensegiving aspirations with communicating them to employees. Nevertheless, employees shape the end result based on their interpretations of sensegiving led by top administrators or through bottom-up sensemaking (Sonenshein, 2010). Moreover, employees often embellish sensemaking narratives from administrators or middle managers instead of "directly import[ing] managerial narratives about change" (Sonenshein, 2010, p. 502). Importantly, sensemaking represents an individualized reckoning with stimuli in that "it does not simply involve the adoption of other people's points of view; it is not the mimicking of values" (Kezar, 2018, p. 88). While the descriptions of sensemaking are foundational elements to this study, examples of how other sensemaking has been utilized in research supports the use of the concept in this study.

Examples of Sensemaking in Policy Implementation

Researchers have incorporated the concept of sensemaking in policy understanding and implementation. Nienhusser's (2018) and Sumbera et al.'s (2014) research arise as the most relevant examples in literature, in terms of topic, that corresponds with my study. Nienhusser

(2018) examined the ways in which policy implementers at IHEs understand their responsibilities and actions through sensemaking when carrying out policies for Deferred Action for Childhood Arrivals (DACA) recipients and undocumented students. Interviews were conducted with postsecondary personnel comprising a variety of roles (including staff who directly work with students and presidents) at community college campuses in four states considered to have either equitable or exclusionary policies. Notably, several components of the study's research design, such as utilizing a basic quality study and collecting data via semi-structured interviews, align with the design for my research. Nienhusser (2018) uncovered that implementers' efforts were influenced "by changes in the implementation landscape, ambiguity in policy implementation, burden caused by implementation, and available institutional support" (p. 434) while also reconciling multiple concurrent roles as implementers. For example, the roles of compliance officer and student advocate could clash internally when individuals implement policy. While other findings are pertinent, Nienhusser's (2018) observation that "there is a scarcity of literature that has examined the role of sensemaking in higher education institutional agents whose responsibility it is to implement policies on a day-to-day basis" (p. 426) explicitly underscores a gap in the literature that this study fills.

Using sensemaking as a theoretical framework, Sumbera et al. (2014) explored how K-12 principals make sense of disability law as it pertains to the requirement of providing free and appropriate public education in least restrictive environments. Using a qualitative metasynthesis design, Sumbera et al. (2014) collected data from 12 previous studies. The authors found that public school principals have increasingly been assigned greater accountability for the implementation and success of educating students with disabilities. Moreover, the educational services made available to students with disabilities are based on principals' interpretations of

the law. Sumbera et al. (2014) noted that "some principals place[d] more attention on adhering to the technical mandates of IDEA (2004) than providing instructional supports and initiatives for students with disabilities" (p. 300). When focusing on these mandates, principals also alluded to confusion in how to implement them—stemming from the ambiguity of language in IDEA. Sumbera et al. (2014) found that a principal's prior educational preparation with disability law, overall experience as an administrator, personal views of student inclusion, and ability to balance competing federal mandates of equal access and quality of education influenced how they understood and implemented "inclusive education policy" (p. 318) at their schools.

In another study involving secondary education, Coburn (2005) explored how K-12 principals shape teachers' sensemaking and implementation of academic policy. As supervisorial figures, the principals' sensemaking of policy influenced how teachers access and understand policy on reading curriculum. Drawing from their own experiences and understandings, the principals made sense of reading policies based on their depth of knowledge about the subject. Principals influenced teachers' sensemaking and implementation through the social environment established at the schools, access to professional development opportunities, and the curriculum implemented (Coburn, 2005). The limited scope of the study—it follows two elementary school principals—prevents broad generalization, yet it still serves as an example of how sensemaking has been applied as a theory by other researchers.

Applicability to Study

Sensemaking fundamentally courses through my study's metaphorical veins. For example, the concept offers structure and validity to the qualitative research method, which includes interviews (see research method section below). Importantly, sensemaking centers the focus on how DSS providers author the spirit of the law within the social environments of an

organization, which in turn influences implementation. Thus, questions developed for the interview protocol induced responses extending beyond interpretations of law, and instead to issues of authorship through controlling for unique environmental factors that lead to authorship and participants' individuality. Additionally, the ways in which sensemaking influences organizational processes (in this case, how services are designed and delivered to students with disabilities at IHEs within the context of the spirit of the law) is a goal of this study. On one hand, sensemaking—although a social phenomenon—offers a largely individualistic perspective of policy understanding and implementation. Social construction of target populations, on the other hand, spotlights how groups are assigned burdens or benefits in society.

Social Construction of Target Populations

Social construction of target populations entails the assignment of "worthiness" (i.e., perceived contributions or burdens to society) that policymakers place on specific groups of people (Schneider & Ingram, 1993; Schneider & Ingram, 1997; Schneider et al., 2014). Target populations result from a group's political power, which includes "size, voting strength, wealth, [and] propensity to mobilize" (Schneider & Ingram, 1997, p. 109), and social construction, which are the values that society assigns to certain groups or phenomena. Schneider and Ingram (1993), as seen in Figure 2, characterized four types of target populations occurring in the confluence of political power and social constructions. These categories of target populations are "called *advantaged*, *contenders*, *dependents*, and *deviants*" (Schneider & Ingram, 1997, p. 108). A target population's position on the continuum of political power (strong or weak) and social constructions (positive/deserving or negative/undeserving) influences whether policy will benefit or burden the group.

Power	Constructions: Positive	Constructions: Negative
Strong	***Advantaged*** The elderly Business Veterans Scientists	***Contenders*** The rich Big unions Minorities Cultural elites Moral majority
Weak	***Dependents*** Children Mothers Disabled	***Deviants*** Criminals Drug addicts Communists Flag burners Gangs

Figure 2. *Target Population Types*. *Note*: From "Social construction of target populations: Implications for politics and policy," by A. Schneider and H. Ingram, 1993, *American Political Science Review*, *87*(2), p. 336 (https://doi.org/10.2307/2939044). Copyright 1993 by American Political Science Association. Reprinted with permission.

For example, advantaged groups have strong political power and are viewed to be deserving of benefits. Dependents, however, have weak political power yet are viewed in a more deserving light by societal standards. Groups, such as wealthy individuals and elites, deemed undeserving may still have strong political power; these groups fall under the "contenders" branding. Finally, groups with weak political power and considered underserving (such as criminals) are termed deviants. Importantly, regardless of a group's place within a target population, they are not eternally bound to such a designation and may migrate to other target populations based on acquired political power and society's perspective of their level of deservedness. For instance, social constructions are capable of being changed: some may quickly change due to societal pressures while others are slow to change due to the inherently emotional and stereotypical understandings of groups (Schneider & Ingram, 1997; Schneider et al., 2014).

Schneider et al. (2014) reinforced the observation that perceived deservedness is a significant influence on social constructions of target populations.

Overall, advantaged groups often reap benefits from policy while deviants assume more burdens because of potential gains, such as being reelected to a political position, that policymakers may receive from policy decisions. Dependents, under which individuals with disabilities are routinely categorized, often receive elevated public attention but limited valuable resources because the political return is low for policymakers. Contenders receive surreptitious benefits and assume meaningless burdens because of their political power. Accordingly, social construction of target populations relates to a study on DSS providers' interaction with federal law and specific research methodology (outlined in the ensuing research method section) in several ways.

Relevance to Study

Pierce et al. (2014) analyzed 111 pieces of literature published between 1993 to 2012 that incorporated social construction of target populations as a theoretical lens. Of these studies, 61% centered on federal policies and 62% utilized qualitative (subdivided as empirical and nonempirical) methods (Pierce et al., 2014). Broader "policy domains" (Pierce et al., 2014, p. 9) were extracted as key themes from the studies, but specific groups like individuals with disabilities were not highlighted in detail. Nonetheless, the theory was applied to research on the dependent target population (including groups like individuals with disabilities) in 32% of the reviewed studies, which was the second highest target population studied. Thus, although my topic is filling a gap in the literature, prior research supports the application of social construction of target populations in the broader scope of my study.

For instance, the intent and spirit of the law with disability law may be genuine attempts from policy designers to support individuals with disabilities or actions to advance personal agendas using the group's social construction. Also, allocated resources (such as mandated services or financial subsidies) may not truly match the spirit of the law and instead serve as shallow placeholders in order to gain social favor. That is, social construction of target populations amplifies new scrutiny on what truly constitutes the spirit of the law with disability law. Additionally, the ways that DSS providers perceive and actualize the spirit of the law may vary based on presumed political power and level of deservedness that students with disabilities maintain within the campus community. Ultimately, no prior literature has been uncovered to date that specifically connects DSS at postsecondary institutions and social construction of target populations. Nevertheless, studies have linked social construction of target populations with the topics of disability and higher education, respectively.

Application to Topics of Disability and Higher Education

A limited but increasing body of articles exist that connect social construction of target populations with disability policy (primarily external to higher education), policy implementation, and higher education.

Disability. Chang (2015) serves as an example of how noneducational disability issues may be appraised through social construction of target populations. Chang (2015) investigated states' actions with the social welfare system in the United States since the Great Recession. Supplemental Security Income for individuals with disabilities was one of five safety nets reviewed. Chang (2015) transformed the traditional model of social construction of target populations, which includes political power and social construction, by framing the new model as upper-tier (i.e., funded by individual contributions like Social Security) and lower-tier (i.e.,

dispersed to disadvantaged individuals) social welfare programs and the level to which the federal government (i.e., centralized) or state governments (i.e., decentralized) funds the programs. Notably, state contributions to Supplemental Security Income programs vary and typically decrease individuals' access to funds. In this model, individuals with disabilities situate within the lower-tier social welfare program and a centralized policy design structure. Ultimately, Chang's (2015) study illustrated how federal and local action (i.e., individual states) may influence groups based on social constructions. While this study folds individuals with disabilities into a broader topic, additional research dissects how social construction of target populations can vary within groups.

Brucker (2009), when exploring how individuals with substance abuse disorders are treated different than individuals with other types of disabilities, framed how social constructions may differ within populations. Specifically, having analyzed policies in nine countries, Brucker (2009) found that individuals with substance abuse disorders in the United States are often viewed in a more negative light because of society's outlook on drug use. Thus, they may be placed in the *deviant* category while other individuals with disabilities may be in the *dependent* category (Schneider & Ingram, 1997). Ultimately, allocated social support like "access [to] public income, nutrition, and housing assistance" (Brucker, 2009, p. 422) may not be available to individuals with substance abuse disorders. Although not broadened to other subpopulations, this topic is pertinent to other impairment types in the context of policy design and implementation. For example, in what ways are implementers placing individuals with different impairments into target populations at the campus level? While Brucker (2009) and Chang (2015) considered how social construction of target populations shapes the experiences of individuals with disabilities,

Horejes (2013) and Schur et al. (2003) critiqued the function of disability policy using social construction of target populations.

Horejes (2013) applied a social construction model when contending that federal courts (specifically the Supreme Court of the United States) continue to limit the scope of the ADA through judicial decisions. Congress grounded the ADA, according to Horejes (2013), in a social construction model (evidenced by framing the issue as a civil rights issue; see Jeon & Haider-Markel, 2001) as opposed to policy science theory, which aligns with a positivist and textualist understanding of policy. Horejes (2013) concluded that the ADA Amendments Act of 2008 is proof (and a correction of misinterpreted judicial decisions) that Congress intends for the law to be viewed through a social construction model when interpreted in the courts. Nevertheless, if the Supreme Court continues to interpret the law in a policy science theory, disability policy will continue to be constrained. In a similar vein, Schur et al. (2003) situated their investigation on relationships between political efficacy and disability within the theory of social construction of target populations.

Populations may develop more power in the eyes of policymakers and, in turn, receive additional benefits based on increased levels of political engagement. Schur et al. (2003) noted that individuals with disabilities are a larger marginalized population, yet they typically are not known for high levels of political engagement. Due to the heightened influence that laws and social programs have on this population (e.g., nondiscrimination via social accommodations), allies may reasonably question why the group rarely participates in political matters. Schur et al. (2003) found that increased education, employment opportunities, and civic engagement would boost the political efficacy of individuals with disabilities. Nonetheless, the lack of access to these benefits may perpetuate a lower level of political engagement. Regardless, for the purpose

of this study, Schur et al. (2003) offered a clear example of how social construction of target populations may be used to assess policies or group actions. A final example comes from higher education.

Higher Education. Gándara (2020) depicted how social construction of target populations transpires in practice through a case study on designing and implementing a funding model in higher education. In a study of Colorado's attempt to implement a funding model, Gándara (2020) investigated how funding was allocated based on benefits and burdens for IHEs and student populations. Political power is central to the study. Gándara (2020) observed that political power influenced the policy design process more than social construction (e.g., IHEs with more political power benefited the greatest), yet social construction still affected key outcomes. The findings, according to Gándara (2020), illustrate that funding formulas are littered with subjectivity although they are routinely viewed as objective.

Summary

Sensemaking and social construction of target populations frame two key elements to this study: how DSS providers understand the phenomenon of the spirit of the law and how policies are designed and implemented for advantaged or disadvantaged groups. Both concepts are relevant at micro and macro levels. For example, the sensemaking process includes self-authorship while also drawing from broader societal influences. Likewise, social construction of target populations may surface at an IHE through designing and delivering services and in federal or state policy design. Sensemaking and social construction of target populations also address the spirit of the law in contrasting ways. Sensemaking requires the individual to draw upon experiences and information to author the spirit of the law while social construction of target populations may explain (or challenge) stated or unstated core tenets of the spirit of the

law. Importantly, this theoretical framework and selected literature influence the research method.

CHAPTER 3

RESEARCH METHOD

Research Questions

Several research questions scaffolded my study. The main research question is: How do postsecondary campus providers who deliver and make decisions on DSS processes and services make sense of and apply the spirit of the law for federal statutes and regulations when designing and implementing accommodations for postsecondary students at their campus? Additional sub-questions are:

1. To what extent does the letter of the law shape DSS providers' implementation of policy?
2. How do DSS providers define and author the spirit of the law?
3. In what ways do DSS providers adhere to and operationalize the spirit of the law throughout the accommodation process? and
4. What are the common structures (i.e., mechanisms that establish communication and social connections) in place to inform, provide access to, and ensure effective outcomes for students at the postsecondary level beyond the letter of the law?

The main research question was designed to extract revealing data on the ways in which DSS providers conceptualize the spirit of the law, assign importance to the spirit of the law in policy and practice, and actualize the spirit of the law. Sub-question 1 searches for the level of importance that DSS providers place on compliance. Is compliance their focus or just a steppingstone to offer additional services? Next, due to the lack of clear examples and definitions

of the spirit of the law in disability support (including if the concept is noteworthy to DSS providers), sub-question 2 captures how DSS providers characterize the spirit of the law. Sub-question 3 is a deeper dive into the ways that the spirit of the law influences policy development and practice; the question is meant to unearth examples of how the spirit of the law manifests into practical actions (e.g., accommodations). Finally, sub-question 4 adds "promising practices" to the field of disability support. In essence, how do DSS providers effectively *achieve* outcomes based on the spirit of the law? These research questions influence the methodological approach for this study.

Methodological Approach

A basic qualitative study engenders favorable conditions to explore the abovementioned research questions. For instance, Merriam and Tisdell (2016) noted that "all qualitative research is interested in how meaning is constructed, how people make sense of their lives and their worlds. The *primary* goal of a basic qualitative study is to uncover and interpret these meanings" (p. 25). Likewise, more specific to policy research, Tummers et al. (2012) concluded that "one of the strengths of qualitative research is that it can capture process-related features which are very relevant for studies on policy implementation" (p. 718). As a result, the chosen research approach innately complements a study on how DSS providers make sense of the spirit of the law (framed through sensemaking and policy design as theoretical models) because of the refined focus on exposing individuals' understandings and perspectives.

Moreover, a basic qualitative approach offers flexibility in obtaining data through techniques found in other methodologies without a constrained and precontrived framework (Kahlke, 2014). Such an approach parallels the research questions driving this study as they do not fit cleanly into singular qualitative methodologies. Therefore, a basic qualitative approach

aligns with the philosophical and technical components undergirding this study and prompts specific mechanisms for collecting data. The research approach also influences the sample selection process.

Sample Selection

I deployed nonprobabilistic, purposive sampling practices—which entails identifying participants based on specific qualities devoid of statistical randomization—due to the documented value for qualitative studies established in research literature (Creswell & Creswell, 2018; Merriam & Tisdell, 2016). Purposive sampling complements the fundamental elements of a basic qualitative study as it empowers the selection of individuals who represent "the average person, situation, or instance of the phenomenon of interest" (Merriam & Tisdell, 2016, p. 97). As maintained in earlier chapters, participants' perspectives are crucial sources of data for this study; thus, purposive sampling is an extension of the overall rigor of this research design. Therefore, participants were DSS providers overseeing processes and services developed from disability policy and directly delivered such services to students who were employed at associate-degree granting, public, non-profit, two-year and four-year institutions located in the state of Georgia.

Rationale for Sample Selection Approach

Research literature indicates that students with disabilities are most likely to enroll at two-year institutions (Brown & Broido, 2015; Hamblet, 2017). Nonetheless, the student population is also increasing at public and private non-profit four-year institutions—from 9.1% (public and private non-profit respectively) in 2011-2012 to 17.7% (public) and 17.5% (private non-profit) in 2015-2016 (Campbell & Wescott, 2019; Hinz et at., 2017). Furthermore, when accounting for social construction of target populations, the selection of participants from both

two-year and four-year institutions offers glimpses into differing frames of reference through which assigned benefits and burdens are filtered because of institutional resources, academic characteristics, and providers' credentials. Distinctions between public and private IHEs are also warranted. In practice, minimal variations exist in how disability laws apply to public and private IHEs (Madaus, 2005). Nevertheless, Thomas (2000) recognized a subtle contrast when noting that "*nearly all* [emphasis added] public and *most* [emphasis added] private colleges are recipients" (p. 249) of federal aid, which influences the domain of Section 504. Additionally, Title II and Title III of the ADA covers public and private institutions in different ways. Moreover, public IHEs often belong to larger systems that influence training opportunities and set policy agendas or provide guidance regarding legal matters (Hearn & Holdsworth, 2002). Thus, controlling for public IHEs achieves a more representative sample for this study (Merriam & Tisdell, 2016).

Interviewing participants from multiple institutions (instead of a single institution) broadened the scope of this research—keeping in mind that far-reaching generalizations and causality are not deep-rooted tenets of qualitative research—and captured how individuals experience the phenomena being investigated. As such, and to hold things constant, I selected participants from institutions affiliated with the University System of Georgia (USG) and the Technical College System of Georgia (TCSG), which are the public systems of higher education in the state of Georgia, that offer associate degree programs. As a result, the sample included a base of regional IHEs that allowed for unique statewide and institutional characteristics to be considered. While all TCSG colleges offer associate degree programs, most USG institutions classified as State Colleges and State Universities, respectively, offer both associate and bachelor's degree programs.

I contacted participants through email to weigh interest in participating in the study. With saturation being a goal, 10 participants were interviewed: five from TCSG and five from USG institutions. Participants were administrators who oversee and make decisions on delivering disability support services or staff members who directly work with students. Theoretical saturation is often considered the point in which patterns in meaningful data are observed repetitively (Bowen, 2009; Marshall & Rossman, 2016). Although other information may exist, data emanating in the data collection process are likely to produce similar findings. Thus, saturation was fulfilled by the 10th interviewee. For comparison, Guest et al. (2006) suggested "that data saturation had for the most part occurred by the time we had analyzed twelve interviews" (p. 74) in a study of mostly homogeneous participants.

Limitations to this approach must be acknowledged. Selecting IHEs from a single state controls for the influence of state-level policy, but limits insights from DSS providers operating under other state laws, regional norms, or institutional practices. Additionally, the study may not capture issues important to larger, more research oriented IHEs because of the focus on associate-degree granting institutions. Similarly, the experiences and sensemaking of DSS providers at public IHEs may not translate to peers employed at private IHEs. For instance, more selective admission requirements, resource availability, and social opportunities on campus may reveal different and notable findings. Additionally, while 10 participants agreed to participate in the study, a total of 64 DSS providers were invited to participate. The lower-than-desired response rate could be attributed to new workloads and expectations placed upon DSS providers during the COVID-19 pandemic, the timing of the study that occurred between the end of spring semester and beginning of summer semester for all IHEs, or the topic (or the way in which I presented the topic) that asked a group of individuals who are typically expected to be extremely

confidential with their stakeholders to share information that they deem negative to themselves or their IHEs.

Regardless, this purposive selection process acknowledges that students are more likely to enroll at two-year colleges, which enhances the importance on associate-degree granting institutions, and partially fills the gap in disability support literature through selecting a sample that includes multiple IHEs. To add, other approaches like basing selection on the number of students with disabilities within a given state are imperfect. For example, limited state-level data on the number of individuals who identify as having a disability is publicly available. Also, basing the sampling practices on enrollment of pre-college students with disabilities is unreliable as a great deal of variety exists in how states recognize a disability (Camera, 2019; U.S. Government Accountability Office, 2019). Although sampling is fluid in practice, the process was essential to collecting meaningful and credible data.

Participants

The participants in this study came from a variety of backgrounds and institutional responsibilities. Four participants were the sole DSS provider at their respective IHE. Establishing administrator status requires more nuance. One participant was an unquestioned administrator who primarily guided departmental procedures and reviewed complex student cases. Three other participants spanned the boundary between administrator and student-facing provider based on their IHEs' organizational structure and are identified as administrators in this study. In the end, the content and responses between administrators and student-facing (also called street-level) participants did not vary drastically. The only noted difference appeared in the delivery of content, which included more real-life examples of student experiences from student-facing providers. This finding was observable due to the data collection method.

Data Collection

Interviews

I collected data via semi-structured interviews and document analysis. Interviews are ideal for yielding rich data about participant experiences and—more specifically—semi-structured interviews spawn "a systematic and iterative gathering of data" (Marshall & Rossman, 2016, p. 150) beneficial across multiple sites. As outlined in the section on sampling, my study crossed into multiple campus types. Semi-structured interviews include an interview protocol comprised of predetermined questions that allow researchers to ask pertinent follow-up questions when needed (Marshall & Rossman, 2016). Additionally, Packer (2011) noted that "the semistructured interview is the workhorse of qualitative research today" (p. 43) due to the versatility afforded to researchers and consistency of its use in social science research. For this study, I developed an interview protocol consisting of approximately 13 main questions to gather data (Creswell & Creswell, 2018). Rooted in research literature and guiding theories, I designed the interview protocol to produce robust data from participants through open-ended questions (Jacob & Furgerson, 2012). Furthermore, I divided the interview protocol into three sections consisting of a scripted introduction, semi-structured interview questions, and a scripted closing. The semi-structured questions covered three main topics: 1) interviewee's background information, 2) interviewee's understanding of compliance and spirit of the law, and 3) the spirit of the law actualized. I built flexibility for follow-up questions into the protocol. The interviews lasted an average of 43 minutes with the longest being one hour and six minutes.

Due to COVID-19 precautions, I secured access to participants via virtual settings. My choice to conduct virtual interviews may have encouraged participation (e.g., a video interview may better fit into participants' busy schedules) or dissuaded participation (e.g., potential

interviewees may have concerns with confidentiality due to the inability to see if others are in the room with the researcher or because of perceived security flaws with the video software). Many professionals working at colleges and universities, however, adapted to virtual meetings during 2020 C. E. because of COVID-19 safety measures and may have developed distinct preferences for such interactions. Accordingly, to address prospective participants' concerns with the virtual format, I used multiple video communication platforms (such as Zoom, Microsoft Teams, and WebEx) as interview spaces based on participants' level of comfort. Zoom was my default software choice when scheduling interviews because of my experience using the technology. In fact, nine interviews occurred through Zoom and one via WebEx. As a token of appreciation for participating in the interview, I offered each participant a $15 gift card to a nationally recognized coffee company.

Document Analysis

Document analysis uncovered new themes during the data collection process and also served as a form of triangulation (Bowen, 2009; Marshall & Rossman, 2016; Merriam & Tisdell, 2016). Document analysis includes the purposeful collection and review of printed and electronic texts or other materials that may have been created prior to, during, or after the formal study begins. While research literature assigns varying definitions to *documents* (such as audio and visual items), a common thread is that documents contain text and/or images created by individuals other than the researcher (Bowen, 2009; Merriam & Tisdell, 2016). Contextual underpinnings must be considered with collected documents. For example, questions concerning who created the document and for whom was it created, why and for what purpose was the document created, and under what conditions were the documents created and used are central to

using document analysis as a method (Merriam & Tisdell, 2016). Yet while document analysis may be a standalone method, the practice serves well as a form of triangulation (Bowen, 2009).

Triangulation approaches specific phenomena from differing vantagepoints. Johnson et al. (2007), while referencing Jick (1979) from a mixed methods perspective, concluded that triangulation:

> allows researchers to be more confident of their results . . . stimulates the development of creative ways of collecting data . . . can lead to thicker, richer data . . . can lead to the synthesis or integration of theories . . . can uncover contradictions, and . . . may serve as the litmus test for competing theories. (p. 115)

Ultimately, triangulation affords credibility to qualitative research through substantiating findings from multiple channels (Bowen, 2009). That is to say, researcher bias is better regulated with additional sources of data.

I analyzed electronic and printed documents such as institutional policies, student guidelines, and promotional materials distributed to students. When compared with interview data, findings from a document analysis supported or found gaps in a participant's verbalized understanding of the spirit of the law and implemented practices. Marshall and Rossman (2016) supported this notion when indicating that document analyses may be "potentially quite rich in portraying the values and beliefs of participants in the setting" (p. 164). Consequently, selecting meaningful and appropriate documents to analyze (and individuals to interview) is essential to maintaining credibility of the collected data.

My access to documents varied based on the level of public availability. I asked participants to share documents that were referenced during interviews or found in other

materials but not publicly accessible. Importantly, data analysis occurred concurrently as I collected documents and conducted interviews.

Data Analysis

I established a thorough plan for coding data prior to commencing interviews and document analyses as a mechanism to strengthen this research design. I employed a mixture of deductive and inductive coding and developed an initial set of "start list" (Miles et al., 2020, p. 74) codes derived from literature and theory (i.e., deductive) prior to the analysis phase. As seen in Appendix E, these codes were drawn from the themes of disability support, policy implementation, sensemaking, and social construction of target populations. This approach intermixed core aspects of the literature and theory with the raw data being collected (Miles et al., 2020). Nevertheless, due to the inductive nature of the study, additional codes surfaced that I incorporated into the analysis. The data analysis occurred in two cycles with the goal of producing preliminary codes that eventually formed broader categories and yielded larger themes (Miles et al., 2020). For the first coding cycle, I employed a mixture of In Vivo Coding, Emotion Coding, Values Coding, and Evaluation Coding techniques to code collected data (Miles et al., 2020). These coding methods offered unique perspectives that align with the research questions. For example, Miles et al. (2020) noted that In Vivo Coding uses interviewee's direct wording and is beneficial for emphasizing participants' personal views. Emotion Coding, which assigns a description to perceived or stated emotions, and Values Coding, a way to identify participants' perspectives, are ideal for capturing participants' "intrapersonal and interpersonal . . . experiences" (Miles et al., 2020, p. 67). Finally, Evaluation Coding is useful for studies on policy due to the emphasis placed on participants' attitudes towards phenomena (Miles et al., 2020). I considered and incorporated other coding approaches like Descriptive Coding, which uses brief

phrases or words to describe important concepts from interviews, when appropriate. The second coding cycle consisted of pattern coding. This step ensured that broader patterns were observed from the first coding cycle. Additionally, I implemented "analytical memoing" (Miles et al., 2020, p. 88) to enhance my understanding of data.

Analytical memos connect analyzed data with broader features of the research topic and design (Miles et al., 2020). While the reflexive journal captured my potential bias, analytical memoing is a tool to synthesize meaning at specific points in the data collection and analysis process. Miles et al. (2020) stressed that analytical memos are not simply descriptive; they are notes and ideas that develop the researcher's understanding of data within the entirety of the research process. My analytical memoing and coding practices were augmented through specific software.

From a technical aspect, I used MAXQDA 2020 Plus qualitative data analysis software for data management and analysis. To add, I generated interview transcriptions through built-in features with Microsoft Stream and Zoom and cleaned transcriptions through manual comparisons between transcribed texts and audio recordings. Relatedly, upholding trustworthiness throughout the data collection and analysis processes preserves the integrity of findings and assertions resulting from the study.

Trustworthiness

Trustworthiness is the comprehensive set of measures to establish credibility, transferability, dependability, and conformability in qualitative research (Lincoln & Guba, 1985). Credibility is the extent to which participants' views are accurately portrayed, transferability consists of demonstrating the relevance of the findings in other settings, dependability involves conveying consistency across replicated studies and researchers, and conformability focuses on

the level that participants' perspectives supersede researcher bias in the findings (Lincoln & Guba, 1985; Marshall & Rossman, 2016). To increase trustworthiness, I maintained a reflexive journal to document and offer insights on my journey throughout the research study. The reflexive journal allows researchers to document potential self-realized biases, changes in practices or methods, and new understandings of the study (Lincoln & Guba, 1985; Ortlipp, 2008). In some fashion, because the researcher is the primary data collecting instrument in qualitative research, a reflexive journal is like a routine diagnostic report typical of a mechanical apparatus. Thus, the reflexive journal served as a tool for me to actively reduce bias creep during the study as well as document the process. For this project, I made entries into the reflexive journal concerning personal understandings of and experiences with the research on an ad hoc basis when collecting and analyzing data (Lincoln & Guba, 1985). Additionally, the journal outlined logistical plans for the research. Member checking, thick description, and triangulation (in the form of employing document analysis of various sources) were additional sources of trustworthiness to the study (Creswell & Creswell, 2018; Lincoln & Guba, 1985).

Member checking consists of returning written reports that contain major themes and findings to participants from whom data were gathered. Once interviews were complete, I provided an interview transcription and summary analysis to the respective interviewee for review. If a participant did not concur with specific aspects of the transcription, I was prepared to schedule a second interview to discuss potential discrepancies (Seidman, 2013). No follow-up interviews were scheduled. This step allowed participants to confirm the accuracy of the cleaned data and offer additional commentary if needed (Lincoln & Guba, 1985). For this study, member checking primarily transpired through email. Thick description invites the audience "behind the curtain" to experience phenomena from the researcher's perspective (Creswell & Creswell,

2018). The inclusion of illustrative and factual details in thick description communicates thoroughness on part of the researcher and assists readers "interested in making a transfer to reach a conclusion about whether transfer can be contemplated as a possibility" (Lincoln & Guba, 1985, p. 316). To develop the skills needed for thick description, I engaged research and non-research literature that incorporated thick description. Additionally, I established triangulation through sources (e.g., multiple interview participants and varying types of documents) and methods (e.g., interviewing and document analysis) in the overall research design (Lincoln & Guba, 1985). Finally, I field tested questions used in the interview protocol prior to conducting the semi-structured interviews. These field tests uncovered ineffective wording and flow of questions (Merriam & Tisdell, 2016). In sum, the measures described in this section are important elements to the overall rigor of this study.

Reflexivity Statement

The researcher is a key instrument in collecting and analyzing qualitative data. Thus, personal characteristics and additional background information must be recognized as factors that shape this study. Preissle (2008) noted that "researcher subjectivities may bias, unbalance, and limit endeavors, but they may also motivate and illuminate inquiry" (p. 844). Accordingly, I am a white, upper-middle class, cisgender, straight male. Central to this study, I do not identify as an individual with a disability nor do I have immediate family members or personal acquaintances who outwardly identify as individuals with disabilities. This feature may have both positively and negatively influenced my research questions, method, data collection, and analysis. For instance, the topic of disability support does not arouse deep personal emotions stemming from familial connections—therefore, I entered this study with no self-recognized

arrière-pensée. Yet the lack of direct personal connections to individuals with disabilities may have led me to overlook nuances that are meaningful to participants' experiences.

Furthermore, my educational and professional backgrounds have predominately centered around higher education. I have been actively employed at a public two-year college for over a decade, which included a supervisorial role over disability support services for a three-year span. If not accounted for throughout the research process, these experiences could have shaped this study through my biases towards the interpretation of data collected from two-year and/or four-year institutions, the collection of incomplete data from peers or others within my institution's system, and assigning professional and personal judgements on the ways in which disability support services providers operate. Overlooking integral—yet relevant—concepts of disability support outside of the higher education environment could also result due to prior professional experiences. Conversely, my professional experience kindled an interest in the topic and afforded a foundational knowledge base regarding disability law and practice. While bias creep remained a threat throughout the study, I took steps to safeguard from internalized predispositions.

I acknowledged and addressed researcher bias through a variety of mechanisms. First, I maintained a reflexive journal to offer external observers my thoughts and perspectives throughout the research study (Lincoln & Guba, 1985). Second, I implemented various forms of qualitative validity procedures, such as member checking and triangulation (Heck, 2006; Lincoln & Guba, 1985). Overall, I emphasized continual self-assessment of potential biases during the entire study.

Data Security

Data security and retention timeframes are important aspects of the data management process. Maintaining participant confidentiality, accurate raw data, and accessible analyzed data

for sharing when requested must be considered (Creswell & Creswell, 2018; Miles et al., 2020). Digital data that I collected during the research process was stored on a personal computer that is password protected and guarded with security software. I secured copies of collected data in a cloud-based location that was also password protected and saved recordings captured through video communication platforms directly to a personal computer when possible. Also, I downloaded video and/or audio recordings uploaded directly to cloud-based storage systems and removed these recordings from the cloud storage within 24 hours. I secured physical materials and handwritten documents created during the research process in locked desk drawers.

I will securely preserve raw and analyzed data for five years after completion of the study based on recommended standards (Creswell & Creswell, 2018). Two password protected USB memory sticks will house archived digital data and stored in a personal safe along with physical materials.

Conclusion

The qualitative research design outlined above is intentionally crafted to enable meaningful discoveries and conversations. While words like *discovery*, *unearth*, and *flexibility* are found in this research and may elicit inaccurate perceptions of spontaneity, a rigorous structure and plan buttressed this investigation. Ultimately, a carefully articulated research design serves as the metaphorical trail from which additional exploration may stem.

CHAPTER 4

FINDINGS

I examined DSS providers' sensemaking of the spirit of disability law. Data collected in this study reveal that the 10 DSS providers interviewed had well-defined perspectives of the spirit of the law. One overarching theme with three additional thematic findings emerged as most salient to this study. The overarching theme captures how DSS providers defined and made sense of the spirit of the law, which was distilled into a single phrase: *leveling the playing field*. The first thematic finding accounts for DSS providers' consideration of students' post-college experiences as influencing the spirit of the law. The second thematic finding depicts DSS providers' roles as the primary sensebreakers and sensegivers of disability law at their respective IHEs. The third thematic finding fuses theories used in this study by way of how DSS providers authored disability law while simultaneously describing students as deserving within the context of social construction.

Overarching Theme: Leveling the Playing Field

Defining and Authoring

The concept of leveling the playing field, which is synonymous with equity, was undoubtably the most frequent way in which the study participants articulated and made sense of the spirit of the law pertaining to DSS in higher education. Several study participants best authored their perspectives on equity and leveling the playing field through a cartoon graphic (see Figure 3) depicting children of varying heights attempting to watch a sporting event over a fence. In essence, the cartoon graphic, which has numerous adaptations, represents the difference

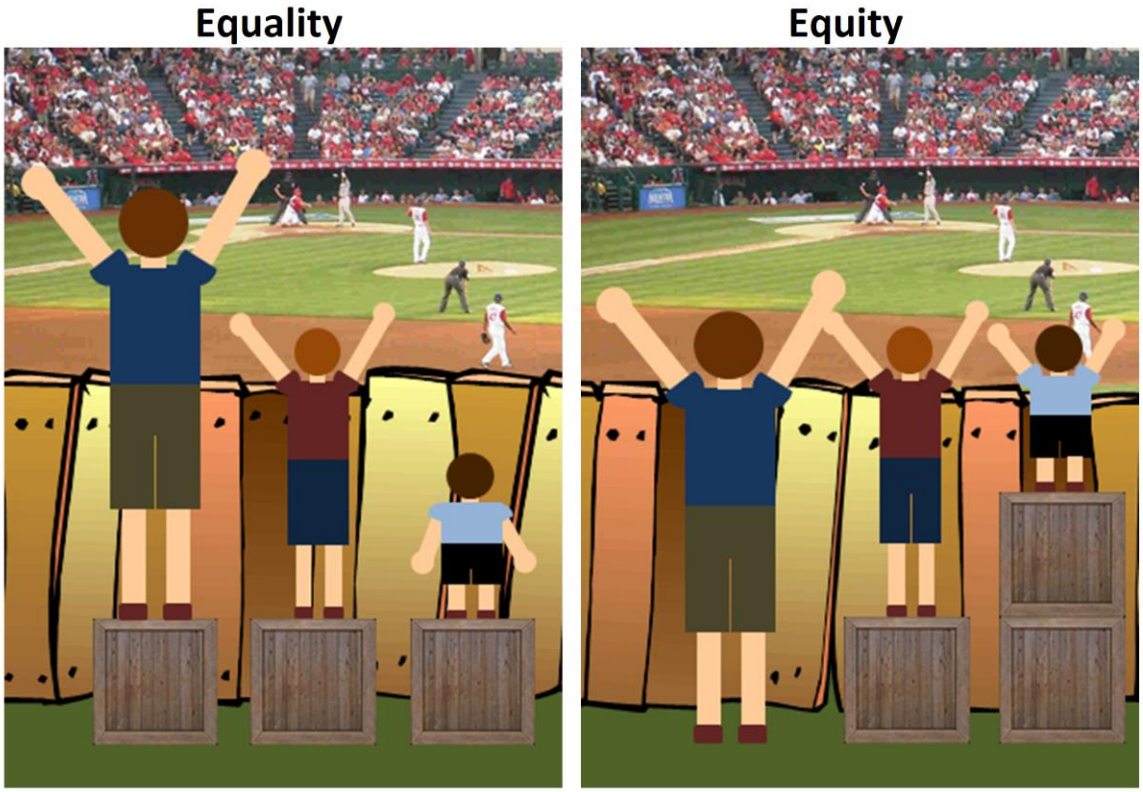

Figure 3. *Differences Between Equality and Equity*. *Note*. Adapted from *The Evolution of an Accidental Meme*, by Craig Froehle, 2016 (https://medium.com/@CRA1G/the-evolution-of-an-accidental-meme-ddc4e139e0e4). Adapted with permission.

between providing everyone with the same experience (i.e., each person stands on one box regardless of their ability to see over the fence) and offering equitable experiences that allows all spectators to see over the fence (i.e., more boxes provided to a shorter person). Study participants authored the spirit of the law and their practice as providing students with disabilities the opportunity to "see over the fence" through accommodations and other services. Interestingly, the cartoon's visual nature and underlying message surfaced as a meaningful channel through which the spirit of the law was communicated to others. As covered later in this chapter, the graphic influenced the sensebreaking and sensegiving process. Furthermore, participants also described how the cartoon encapsulates social construction of target populations through the disbursement of "boxes" to students with disabilities who are deserving to see over the fence.

In all, the equity described by study participants denotes that simply admitting students with disabilities into college is not enough; accommodations and other support services are the metaphorical "boxes" in the cartoon that level the playing field. Still, leveling the playing field was characterized in several ways. For instance, a participant with administrator and street-level roles framed the spirit of the law as "opportunity" when applying the idea of equity. In this instance, opportunity stood for giving students with disabilities the same chance of participating in academic and social experiences as other students on campus. The participant reinforced that students seeking services through the DSS office and those not seeking services could both experience positive and negative outcomes regardless of accommodations. Some participants also interchanged "leveling the playing field" with "equal access;" meaning equal access to all experiences in the campus setting. Interestingly, most institutional handbooks, frequently asked question (FAQ) handouts, or intake forms employed by participants included the phrases equal access or equity, not leveling the playing field. A DSS provider with extensive prior experience assisting individuals with disabilities external to higher education explained that "the spirit of the law is to have equal access" to classrooms, residence halls, campus activities, and more. Ultimately, the equal access afforded to students with disabilities, according to several participants, should occur outside of singular accommodations. In fact, other participants expanded the idea beyond higher education and into social construction. For instance, another DSS provider with practical experience assisting individuals with disabilities in non-educational settings noted that "the spirit of the law is very inspirational because it's just to level the playing field and make sure that everyone is included and able to participate in life. And not unable to participate in life just because they have a disability."

Fairness also scaffolds the idea of equity. A student-facing DSS provider recognized the connection between fairness, equity, and individuals' unique backgrounds when noting:

> And even though that the rules are there, I feel we still have to analyze unique situations individually with students. Because everyone comes in having a different story. We are the authors of our lives and so our stories are going to be different on what's presented.

Intriguingly, equity for all students on campus, not solely students with disabilities, was also considered when making sense of the spirit of the law. Specifically, this notion was framed via students with disabilities not gaining advantages overs students who did not receive services through the DSS office.

Accounting for Entire Student Population

Corresponding with the concept of equity, study participants regularly accounted for the entire student body (not only students with disabilities) when conceptualizing the spirit of the law. Understandably, the heightened emphasis placed on students' individual needs in the literature may produce a natural response from outside observers that students with disabilities would be DSS providers' primary focus. Yet DSS providers must also recognize the opportunities that others receive in order to level the playing field for students with disabilities. This finding coincides with the principles of extracted cues and the environment from sensemaking theory. Notably, the perspective was presented in two main ways: 1) students with disabilities not gaining advantages over other students and 2) students with disabilities having opportunities like everyone else.

Not Gaining an Advantage

The fact that equity levels the playing field for those needing support may lead some observers to question why services shouldn't be provided to all students with disabilities. A DSS

provider with administrator and student-facing duties who used equity and equality interchangeably explained:

> We're not trying to give them an advantage to peers without disabilities by giving them extra time on tests or something. We're trying to level the playing field, which is exactly what I would say to the spirit of the law. Equality doesn't mean everybody gets the same service.

Other participants reinforced the idea that accommodations and services should not provide advantages over other students. One participant insisted metaphorically that students with disabilities may be given "a stepladder, but not stilts" to achieve equitable outcomes from accommodations while not creating an edge for one group of students. Additionally, another participant reinforced that leveling the playing field "shouldn't impinge on the rights of the other students and people around them." In sum, these views reveal that equity is central to the DSS providers' sensemaking of the spirit of the law; however, equity for all students is also part of that equation. To illustrate, when asked what services may be beneficial to students with disabilities beyond those commonly delivered, several participants promptly described services that they believed all students should receive and would find useful. Thus, DSS providers are advocates for students with disabilities on their campuses, yet advocacy does not inevitably breed disadvantages for other students.

Stressing that students with disabilities do not gain advantages over other students may coincide with the differences in disability law between K-12 and higher education. Students often experience services and modifications in K-12 education (under IDEA) not found in higher education and bring those expectations to the higher education setting. In many ways, the sensebreaking and sensegiving process between study participants and students and parents

influences how they understand and communicate the concept of leveling the playing field. That is, incoming students may expect to receive an advantage although DSS providers emphasize that is not the case. For example, when describing tensions between the intent of law and complying with the law, a student-facing DSS provider reflected:

> I think it comes in conflict with meeting the expectations of students and parents who have been used to the IDEA, which says they will succeed. And that part is that they, in K-12, that they will either succeed or they will age out. And that is what they're used to. And so, the new part is in conflict to what they're used to. And helping them understand that is the conflict for me.

Nearly every institution from which documents were collected and analyzed addressed this specific tension. Information about the differences that exist between K-12 and higher education were directed at students and parents and scattered throughout various documents such as websites, FAQ sheets, and applications for disability services. Another street-level DSS provider emphasized that students and parents may misunderstand the requirements at IHEs "because what happens in high school doesn't always transition over to college." Specifically, participants described students and parents as not fully understanding the differences that exist between K-12 to postsecondary education even when communication occurred during the transition. Thus, sensebreaking and sensegiving efforts directed at students and parents may not be effective at this particular point in a student's transition even with the verbal and written communication provided. And yet the communication, although a challenge, was not entirely viewed in a negative light. One participant spun a more understanding tone when acknowledging the inherent differences between K-12 and higher education by stating that they were "just trying to empower" students with disabilities through the transition. As a result, explaining that students

with disabilities do not gain an advantage over other students may occur frequently with students and parents. Thus, framing what students with disabilities receive as compared to the general student body is a natural phenomenon resulting from practice. Another reason may stem from internal sensebreaking and sensegiving opportunities with other members of the campus community.

In fact, explaining to faculty that accommodations are not giving students with disabilities an advantage—and instead leveling the playing field—was a common situation that participants described. An administrator clearly summed up these experiences when stating that "you sometimes have to really spell out the law and how it's equalizing—it's not giving them something extra. So no, not all faculty members get that." Conversely, another participant noted that communicating the need for student accommodations can occur with faculty in a supportive way—resulting in productive outcomes—via clearly articulating the faculty member's responsibilities. A majority of participants maintained FAQ documents for faculty and staff that entailed current legal mandates, contemporary issues for students with disabilities, and suggestions for delivery accommodations to students. Additionally, conflicting roles of being "an advocate for the institution as well as the student" often led DSS providers to support faculty members' professional judgments about what actions would create equitable environments in their classrooms. A student-facing provider working at an IHE with multiple DSS personnel stressed the importance of considering faculty members' perspectives while communicating the needs of accommodations when noting that "fairness to the professors and the staff and fairness to the student I think is big." Finally, another participant reinforced the amount of effort resulting from communicating with faculty and staff when mentioning:

> So, I think that one of the ways that it [i.e., disability law] really shapes what I do is actually the work with the institution as opposed to the work with the students, because it's a lot about educating the faculty and staff and just the people implementing other things at the school to make sure that they understand the ADA. I've done a lot of faculty trainings about ADA and how that works in higher ed.

Ultimately, the study participants' recurring conversations with students, parents, and faculty (and supporting handbooks and FAQs) about what accommodations do and do not accomplish often blended with definitions of leveling the playing field. Providing the same opportunities that other students receive to students with disabilities was another perspective of leveling the playing.

"Just Like Everyone Else"

Several study participants used a rendition of the phrase "just like everyone else" when describing equity. The phrase, although simple sounding, conveys a meaning that leveling the playing field includes providing students with disabilities access to the same experiences that other students on campus enjoy. Unlike the theme of not gaining an advantage, which corresponds with the ceiling and implementation of DSS, "just like everyone else" accounts for the baseline goal of providing academic and social experiences for students with disabilities similar to the general student population. Several DSS providers explained that not gaining an advantage and "just like everyone else" are interrelated through a clear distinction between access for students with disabilities and not making the opportunities unfair over other students' experiences. Study participants expressed this concept in different ways. For example, one DSS provider, who framed the spirit of the law as opportunity, connected that idea with the entire student body when noting that students with disabilities are "walking in a classroom, an

accredited instruction classroom like anybody else, and they're doing the work like anybody else. . . . and they're getting the opportunity." Yet having opportunities like other students does not guarantee success, which was regularly communicated to students through some type of document (e.g., website or handbook). That is, students are provided the opportunities like other students, but they must still complete the work like other students.

A different participant endorsed that reality when stating that students who do not have successful academic and social outcomes received their "chance like everybody else." Ultimately, several participants communicated the frank message that students with disabilities are expected to complete academic work when offering phrases such as "we're going to provide the opportunity and it's still up to the student to do the work," "they have to come to the table with tenacity, drive, ambition," and "don't make promises that's [access to curriculum] also going to make the most successful student." Thus, abiding by the spirit of the law may lead to negative outcomes for some students. Interestingly, many of the study participants specifically differentiated between students requesting accommodations and those that did not. Still, some participants merged the needs of all students in a broader perspective of an inclusive environment when taking disability out of the equation. For example, a student-facing DSS provider stated that "our overarching goal is just to make a college education accessible to everyone. Regardless of the presence or absence of a disability." In fact, this perspective parallels the reality that some students seek temporary accommodations, use accommodations for short periods of time, or could potentially benefit from accommodations if they requested them. In addition to heeding opportunities and experiences for all students, study participants also noted the impact of reasonable versus unreasonable accommodations when determining how to level the playing field.

Reasonable Versus Unreasonable

Every study participant—to varying levels of degree—described the impact that reasonable or unreasonable accommodations have on implementing equitable opportunities for students with disabilities. The ADA specifically states that reasonable accommodations must be provided to students who qualify as having a disability. An administrator spent the most time authoring how the uncertainty surrounding what constitutes a *reasonable* accommodation influenced their work. The DSS provider stated:

> For me, a lot of times it's [the law] cut and dry except when you're talking about a reasonable accommodation, right? So hypothetically, if a student walks into my office and they need an interpreter because they're d/Deaf, and they walk in two days before classes start, well, if I don't have an interpreter, now I've got to figure out what can I do to provide them an accommodation until the interpreter arrives, right? Until I can hire somebody. . . . Does that mean I find a tutor that can do note taking? What does that mean? What does that look like? And so there is some rigidness there, honestly, because it's saying that this person needs an interpreter. But at that point that may not be reasonable because I don't have one. So I've got to provide *something* until I can give them the best situation possible. And I think that's the one part of the job that is a little more unnerving sometimes.

The same DSS provider later elaborated that *reasonable*, although obscure at times, can also benefit IHEs "because it does provide you the opportunity to figure out what the institution can realistically do for the student." Another DSS provider who shared this perspective defined *reasonable* as not always clear and that other DSS providers may understand the meaning differently. They noted that *reasonable* "could be interpreted differently by every person who

reads the law." They provided additional clarification when acknowledging that "there is going to be a disagreement in what reasonable is or whether or not what was offered provided that equal access" through certain accommodations. Nevertheless, nearly all participants delivered documents to students using the phrase *reasonable accommodation*.

A real-life example based on a participant's experience working with transient students (i.e., students who are enrolled at a different IHE and are temporarily taking classes at the new IHE) merged the concerns mentioned previously. They indicated that transient students often face different accommodations at different IHEs due to each institution's sensemaking of disability law. These discrepancies result from varying ways that DSS providers understand what *reasonable* accommodations are in practice. One participant's perception on the differences in how DSS providers make sense of the implementation process speaks to these concerns:

> You know the issue with the law in the strict sense of the form—of its form, is that it has sort of said, "Oh, by the way, you have to do this." But what it doesn't say is how you need to do it. You know, and that sort of thing. And so, I find that offices are often, you know, we often vary in the way we deal with things or that kind of stuff.

Other study participants emphasized the influence of diagnosing professionals on determining reasonable accommodations.

Not DSS Provider's Decision

As discussed in Salzer et al. (2008) and Weis et al. (2014), students are typically required to provide documentation of an impairment from a diagnosing professional in order to receive accommodations. A student-facing DSS provider, who used the word *appropriate* instead of *reasonable*, emphasized that diagnosing professionals possess authority during the accommodation delivery process. Noting that "it's not mine to decide whether or not a student is

to receive a service or an accommodation or a resource," this provider framed their role and understanding of leveling the playing field as being one of several players. Their main objective was to ensure that documented reasonable accommodations are provided. A different street-level DSS provider agreed with this sentiment. They indicated that accommodations are provided based on "whatever the professionals have agreed upon. . . . And those accommodations must be made available to that student." Many institutional websites validated the emphasis placed on delivering accommodations based on documentation from diagnosing professionals. With that said, several DSS providers asserted that their respective DSS offices do not provide unreasonable accommodations recommended by diagnosing professions.

Specifically, the level of experience that diagnosing professionals have with evaluating college students often influences whether or not reasonable accommodations are recommended. A student-facing study participant explained "that diagnosing professionals who are familiar with postsecondary education do not request accommodations that aren't appropriate" while individuals who have less experience working with postsecondary students "may ask for things that are not appropriate for postsecondary education." In all, study participants reinforced that diagnosing professionals determine a student's impairment and recommend accommodations. Still, implementing those recommendations face the reasonable versus unreasonable scrutiny. Another theme related to reasonable accommodations surfaced around students' preferences not driving decisions to provide accommodations, particularly those considered unreasonable.

Not About Student Preference

Counter to the initial abrasiveness that a phrase like "not about student preference" may provoke, many study participants presented accommodation selection as not being students' choice in an advocacy light. For instance, a student-facing administrator embedded their outlook

in students' documented needs instead of their preferences because students genuinely may have expectations not grounded in professional practice. The DSS provider shrewdly explained that students—especially recent high school graduates—are often unaware of what they *need* in the postsecondary environment. Furthermore, the participant noted that DSS providers are tasked with the responsibility to "leech that information out, make suggestions, make recommendations, [and] put accommodations in place maybe they haven't used before." Thus, DSS providers' expertise may lead to more rewarding and effective accommodations that students never utilized in the past. In fact, this idea materialized in the first thematic finding, which is detailed later in this chapter, when DSS providers consider the effects of using accommodations on post-college life. In many ways, this finding coincides with the constant communication between DSS providers and students.

Students may be partial to specific accommodations, but those accommodations may not be reasonable. Participants recounted several examples of unreasonable accommodations requested, including personal assistants provided by the IHE, "software that was probably 10 or 15 times the cost" of the product delivered, and major modifications to the physical space of a laboratory. An administrator elaborated that disagreements with students' preferences are often resolved through ongoing "interact[ions] with the student and try[ing] to meet those needs no matter what they are. But sometimes 'no' is not accepted or what we offer is not accepted." Another participant pointed out that students who are unhappy with a decision about an unreasonable accommodation or not approved to receive a specific accommodation are reminded that the process is fluid based on when additional documentation is furnished. The idea of communicating with students and ensuring those conversations are ongoing also led some study participants to describe creative way of solving differences. A street-level DSS provider noted:

> We don't want to say "no" to a student, but we also don't want to put a student in a situation where they're not going to be successful. So, part of that is being open and honest. But also reversing the question back to the student to say, "Based upon your learning difference, will you be able to meet all of these standards?" And if they say, "No," then we say, "So what do you think are some other options? Or if you feel that you can, then we can come up with some creative reasonable accommodations." . . . How are you going to meet all of those criteria and still do the things that you need to do moving forward? We always try to be very conscious of the environment, programs, situations, and things of that nature. We never want to detour students from not participating in it. We just got to come up with creative ways and reasonable ways to be able to accommodate. And it's hard.

Overall, although students' preferences do not dictate if accommodations are reasonable, many of the study participants demonstrated an openness to have those "street-level" conversation with students when considering next steps.

Summary

As outlined above, study participants consistently viewed leveling the playing field (or equity) as the true spirit of disability law in higher education. Considering the needs of all students on campus (not only students with disabilities) and weighing the influence of reasonable accommodations were key themes in which student participants made sense of leveling the playing field. Nevertheless, study participants also made sense of implementing disability law through recognizing the significance of preparing students with disabilities for life after college.

Thematic Finding One: Life After College

On the surface, the accommodation delivery process may seem solely designed to address students' immediate needs due to DSS providers' continuous assessment of students' medical documentation and their progress each semester. Nevertheless, study participants often looked beyond simply making accommodations available to students and instead sought to cultivate lifelong strategies of using accommodations in ways that promote success after college. This resulted in an unexpected but pronounced finding in that study participants regularly encouraged positive post-college opportunities for students with disabilities when expressing their views on implementing disability law and interacting with students. Intriguingly, this finding did not surface in a meaningful way during the document analysis although it was prominent in the interviews. The main sub-themes informing this thematic finding include students' mastery of academic content, employment opportunities, and developing healthy perspectives and uses of accommodations intended to extend beyond college.

Knowing the Content and State Certifications

Several study participants aspired to shift students' and parents' attitudes away from a mindset that simply enrolling in classes and graduating was the singular purpose of pursuing higher education. As an alternative, DSS providers wanted students to understand how the knowledge gained while earning degrees could be nurtured and used for life after college. For instance, when asked if the spirit of the law can be met, a student-facing provider questioned if students with disabilities are prepared for life after college when admitting, "My goal is surely to make sure that they are receiving their accommodations. But again, I want to see them succeed in life and want to see them succeed in being able to be employed." In essence, does simply offering accommodations support students beyond the higher education setting? Another DSS

provider equated their concern with students' life after college to the idea of not giving students with disabilities advantages. That provider indicated that they want students "to be able to use that degree that they've earned" and opined that a diploma is "just a piece of paper you earn." According to the study participant, earning a degree means little if post-college employment or other life advancement activities are not secured. Some of these concerns are related to post-college certifications.

Although numerous participants referenced preparing students for certifications after college, two student-facing participants best summarized the conversations they had with students. The first participant noted:

> Well, I think the next part of that conversation is that many of our programs, or some of our programs, they are also going to have to pass the state certification. Our purpose statement or the thing that we push is preparing people for the workforce. So, they have to begin to think about "I'm not just getting a document that says I graduated, I'm going to have to go into the workforce and prove that I know how to do . . . that I really know what I'm doing in this particular field."

The second participant transformed the use of accommodations into learning experiences for students who required state or national certifications after college:

> Now I will tell our students, "Even though you have extended time on your tests and/or quizzes, just remember if you have to take a county or state exam, sometimes you may not be granted that or whatever the case may be." So, part of that is also learning how to navigate through that. And I always say the institution is our zone where you do all the things that you need to do to be successful. Ask your questions, do what you have to do, but also realize that once you leave this institution, everything that you have done,

> hopefully you can put into practical use. And you figure out a way to navigate through all of those type of things.

Yet passing state certifications was not the only concern for DSS providers. Preparing students for broader employment and life matters arose as well.

Post-College Employment and Independent Living

As partially captured above, students' employment opportunities and quality of life after college were important to DSS providers in this study. Some providers answered general questions from students in an advocacy tone, such as guiding students to ask "HR if they have accommodations they think they could use there." Yet concern for some students with disabilities crept into the minds of DSS providers. While reflecting on previous career responsibilities that focused on placing individuals with disabilities into jobs, a street-level participant noted that although their primary goal was to assist students with immediate needs the thought of students' post-college opportunities still weighed on their mind and "wonder[ed] if you have all of these struggles right now, how are you going to handle deadlines at a job, attending at a job?" Some participants addressed the topic from a more general perspective of developing independence. For instance, a student-serving administrator homed in on the idea of teaching students with disabilities "to be adults, independent adults" and "nurture those skills of independence." Relatedly, part of the learning experience and development for students includes not relying on accommodations too deeply.

Reliance on Accommodations

Participants bridged the idea of educating students about using accommodations to help prepare for life after college via sensebreaking and sensegiving. Additionally, several participants referred to not using accommodations "as a crutch." This perspective flows from

concerns that students may not push themselves to grow due to benefits made available through accommodations. That is, the accommodation may not be ideal to stimulate personal growth. One participant described the internal struggle between providing the accommodation and encouraging students to use it wisely:

> I would say realistically, sometimes I'm thinking you don't need all those accommodations. You just need to get in there, do what you got to do, and make it happen. And stop using your difference as a crutch as to why you can't do what you have to do. That's my realistic side. And then thinking outside the box, which is I have not walked in their shoes, I don't know what they have experienced. I have to give them the benefit of the doubt. And if I offer you reasonable unexpected accommodations, I need you to be able to take advantage of it, and utilize it, and do what you have to do to move on.

The same DSS provider, however, added context to their perspective in that they encouraged students to consider the effects of accommodations in relation to post-college life through open and honest conversations. Importantly, participants did not discourage students from accessing reasonable accommodations, but presented questions that students were often never asked. For instance, the DSS provider, whose perspective developed from sensemaking of the services delivered in K-12 education, stated that high schools "would just provide all of those accommodations, but [students were] not really taught on how to utilize that information, [and were] not taught on how to really develop notes in a way that's functional for them." Students' intended major or career choice influenced these conversations as well.

A different student-facing participant walked a student with test anxiety, which was not a documented disability, through a hypothetical example based on their career choice of criminal

justice. Throughout the conversation, the DSS provider associated various concerns that the student had about test anxiety with key job requirements for the selected career path. Ultimately, the provider offered strategies and support that allowed the student to overcome career stifling barriers. Regardless of perceived causes for students' overreliance on accommodations, study participants included in this section had genuine concerns for students after college.

Summary

Nearly all study participants expressed some type of consideration for the opportunities that students with disabilities have after leaving their IHE. The emphasis on what students were gaining from higher education and how they used accommodations spoke to leveling the playing field in several ways. For instance, does simply earning a degree without mastering the academic content or skill actually level the playing field? Several study participants questioned whether students could be successful even if they hoped they would succeed. Additionally, this theme relates to the second thematic finding of sensebreaking and sensegiving around the campus.

Thematic Finding Two: Role as Chief Sensebreaker and Sensegiver on Campus

Study participants played a major role in shaping faculty and staff's sensemaking of DSS on their campuses. Assuming the responsibility of chief sensebreaker and sensegiver influenced DSS providers' practice and their campus culture. For instance, ensuring that the entire IHE complies with disability law was a central goal for all study participants. This was supported through printed and online resources created specifically for faculty and staff at many IHEs. Furthermore, DSS providers used the sensebreaking and sensegiving process to shift personal views that members of the campus community held against students with disabilities in higher education and society. Conversely, sensebreaking and sensegiving also occurred with students and parents regarding their rights under disability law. Thus, this thematic finding illustrates how

sensemaking catalyzed a practical application of the spirit of the law when occurring with the campus community and students and parents.

Campus Community

Compliance with Law

A student-facing participant, who spent considerable time discussing their role educating the campus community about students' rights, authored the vast influence that disability law maintains at IHEs through a need to spur sensebreaking and sensegiving efforts across the campus. In fact, the participant felt that disability law shaped their work more internally with the campus community than with students. This materialized as informational resources (e.g., overview of student disabilities, classroom resources, and external websites), conversations, and trainings with faculty and staff to ensure that "they understand the ADA" and how the law should be implemented. The sensebreaking and sensegiving process was an endless loop in which follow up trainings and new conversations about disability law occurred. Other participants described the ongoing nature of sensebreaking and sensegiving with a more direct focus on compliance. A student-facing provider noted:

> Another goal is to ensure that our instructors are abiding by ADA guidelines, OCR guidelines as well, just to make sure that they are all in compliance as well. Part of that is ongoing training, ongoing communication, conversations. Things of that nature. So that everyone is on the same page regarding accommodations, support services to our students with disability.

This participant later unified the abovementioned goal with the broader campus community, not just faculty. Sensebreaking and sensegiving to preserve compliance, however, led some providers to feel like the campus community views them as enforcers.

For example, a street-level participant believed that upholding the institution's obligation to deliver approved accommodations transformed them "from a provider to a cop." Becoming "a cop" happens when campus stakeholders push back against, or are misinformed about, institutional practices guided by federal mandates. Sensebreaking an individual's erroneous view of mandates from disability law and sensegiving aspects and actions needed to comply with the law are practical ways in which sensebreaking and sensegiving occurred. Although not using as eye-catching of a description, other participants shared similar views. Interestingly, the experience that faculty and staff had at an IHE altered the types of actions DSS providers employed to accomplish sensebreaking and sensegiving. Case in point, multiple participants made reference to "old school instructors and staff" when recounting efforts to educate the campus community about DSS and disability law. DSS providers found that sensebreaking and sensegiving were more challenging for experienced professionals who witnessed innumerable variations of federal and institutional policies and preserved well-established practices spanning many years. Convincing these individuals to deliver specific accommodations often required more effort. Nevertheless, empathy for faculty and staff was baked into the discussion even when they were the main constituents targeted for sensebreaking and sensegiving. When asked if faculty members embrace the intent of disability law, an administrator acknowledged that "some of them would give their shirt off their back" to students (i.e., go over and beyond for students) while others require substantial "remind[ers] that legally they don't have a choice" to not deliver an accommodation. Moreover, the notion that educating faculty and staff about disability law for compliance purposes mixes with more idealistic goals of changing individuals' attitudes.

Changing Attitudes

Study participants directed sensebreaking and sensegiving initiatives towards individuals' personal understandings of students with disabilities as part of a larger goal to level the playing field. One participant reiterated that replacing misconceptions in the campus community about students with disabilities with the realities that they face was an essential aspect of their responsibility:

> It is just the atti[tudes]. . . like people's attitudes surrounding the fact that people have rights, and they don't understand the barrier. So, it's more of an education piece of we're not just doing this because the law says, or because we could get in trouble if we don't, but because you know this is a right that people have.

Another participant believed that a frequently encountered misguided attitude "is this idea that when a student steps on campus with the disability, 1) they have a crutch." Instead, the participant contended that students with disabilities simply want to be treated like everyone else (see p. 71) and that "once you find out that student has got a disability . . . okay . . . alright that's it. That's pretty much the conversation right there." In essence, some members of the community automatically assume that students with disabilities are completely disadvantaged instead of considering the affects that specific disabilities have on students' unique academic and social experiences on campus. This directly relates to the conversation surrounding institutional stakeholders' sensemaking of procedural requirements described above and the ethical component of creating equitable environments for students with disabilities.

For example, an administrator mentioned that individuals' attitudes towards students with disabilities often paralleled their responses to notices of accommodations generated from the DSS office. Describing the issue as "an optics standpoint," the administrator argued that a

negative “perception [of students with disabilities] usually is just ignorance.” Thus, sensebreaking and sensegiving through professional development sessions was a key goal mentioned. Time and time again, however, study participants equated advocating for students with disabilities as a driver for sensebreaking and sensegiving opportunities. In general, participants believed that their broader attempts to inform faculty and staff about students with disabilities was “the right thing to do” although changing perceptions would also support their work. Several DSS providers embraced faculty and staff members’ unfamiliarity or unease when communicating with students with disabilities as an avenue to enhance sensebreaking and sensegiving. An administrator—when describing hypothetical conversations with faculty members—stated:

> They [students] have to talk to you about their accommodations on their own and it’s the first time in their life that they have ever had to self-advocate for themselves; communicate their needs to somebody else. And I ask faculty to be patient. Don’t shy away from those meetings because it is a great skill that they need to learn when they get into the workforce.

Overall, changing individuals’ perceptions of students with disabilities and conveying the significance of compliance-related actions were prominent for DSS providers. Nonetheless, these opportunities occurred with students and parents as well.

Student and Parents

Examples of sensebreaking and sensegiving with students and parents have already crept into specific topics presented above (see Not About Student Preference, p. 75). Study participants also outlined occasions in which the sensebreaking and sensegiving process was directed towards students and parents from a broader standpoint. Similar to findings in the

previous section, several participants approached the sensemaking process for students from an advocacy standpoint. For example, a student-facing DSS provider summed up students' sensebreaking and sensegiving from an advocacy perspective based on their understanding of guaranteed rights under the law:

> Because they're using this law, but they don't know what the law is. So, it's like it's not fair to me to give them these accommodations that are based in this law if they don't understand what they're getting in my opinion.

The idea of explaining rights and overall expectations for students in postsecondary education appeared in additional participant responses. An administrator highlighted several misconceptions that students have with their personal responsibilities and the role of DSS at their institution. For example, students come to this participant's office for final grades and financial aid. Another administrator noted that students with disabilities "come to disability services for everything" instead of the offices overseeing specific services like registration, financial aid, and graduation. A street-level DSS provider stressed the differences between K-12 and higher education that necessitate sensebreaking and sensegiving for students and parents. This was supported via the numerous printed and electronic resources describing the differences between educational environments made available to students and parents. As seen in the current chapter and prior literature (Lightner et al., 2012; Newman et al., 2016; O'Shea & Meyer 2016; Stein, 2013), the transition between K-12 and higher education leads some students and parents to inaccurately expect accommodations and services not available through DSS in college. The participant emphasized that they dedicate a considerable amount of time to sensebreaking and sensegiving for students and parents entering postsecondary education directly out of high school. So, what do the outcomes of successfully sensebreaking and sensegiving students and

parents look like? A student-facing participant provided a playful take when observing that "now I don't have parents that cuss me out saying that I should have let them know."

Summary

In conclusion, study participants described sensebreaking and sensegiving to various individuals on campus as a central role for DSS. A significant aspect of this thematic finding involves study participants not solely trying to convince faculty, staff, and administrators that compliance with disability law was absolutely essential, but instead attempting to change constituents' interpretations and authoring of the expectations and requirements of disability law in higher education. These findings relate to the final thematic finding involving a unique overlap between sensemaking and social construction of target populations.

Thematic Finding Three: Describing Students as Deserving When Authoring

The final thematic finding resulted from my analysis of the two most used codes (authoring and deserving social constructions) that were also the two most combined codes. Additionally, these codes represent a merger between the theories employed for this study (i.e., sensemaking and social construction of target populations). In fact, 19 out of 35 "deserving" codes also overlapped with the "authoring" code. This is notable due to the unforeseen association between these themes. Revisiting the theories in context of this finding, DSS, and disability law allows for a more thorough conversation on the topic. Authoring represents how a person filters the various inputs of the sensemaking process, forms a personal worldview, and communicates that perspective in a way that represents their individual comprehension of the topic and how it interweaves with their life (Weick, 1995). It is not simply repeating information that the person encountered. In this case, study participants were authoring their perspectives of disability law and the spirit of the law. A deserving social construction could appear in various

ways, such as the public viewing groups as contributing to society, being considerate of others, or needing sympathy and assistance (Schneider et al., 2014). As illustrated in Schneider and Ingram (1997) and Schneider et al. (2014), individuals with disabilities are often characterized as "dependents" who are deserving but with low political power. That is, they receive empathy from society while also deserving of support. As outlined below, study participants largely viewed students with disabilities as deserving not because they needed sympathy, but because the law required it.

While other social constructions were observed in my analysis, only a partial picture of social construction of target populations emerged because the frequency and relationship between deserving, powerful, and weak within the social construction framework were not prominent. Nevertheless, this finding reveals that a majority of study participants incorporated topics related to students with disabilities as being deserving in some aspect of society or higher education while narrating how disability law affected their practice. Previous examples such as others' attitudes on campus (see p. 85) and DSS providers encouraging students to use accommodations for personal growth (see p. 80) captured the way in which study participants conceptualized students' deservedness while expressing their understanding of disability law. An administrator provided another example when unpacking how accommodations, diagnosing professionals, and IHEs combine to promote student success. The administrator noted that "at the end of the day, everybody wants success" for students when describing how students are deserving to receive specific accommodations. Another administrator, who felt that they had flexibility when implementing disability law, recounted how they make sense of students' needs while simultaneously illustrating how deservedness infiltrates practice:

> But I will make judgments based on, like I said, if a student comes in and says, "Hey, my tutor referred me in here. I've been going to them for two years. I flunked math four times. And I'm in my fourth time and I need to try to finish it. So, I can get in the education program." Like, you know, if you have a story that makes sense to me and I can ask you questions and you can answer those questions, you're not just sitting in my office crying your eyes out—like that's not the point—but you're able to paint me a picture to tell me a story of what's happening, what's been happening, and "Oh, you also flunked math for the 4th time and you also can't count money, or you also had . . . they tested you for a math disability when you were in the 7th grade but they didn't find anything." Like now you're painting a picture for me. Now you're telling me a story that makes sense, so that I can say, "You know what? We got four weeks left in the semester. Let me go ahead and give you extended test time for the remainder of this semester. Let's see if it makes a difference. If it does, let's me and you, hard and fast, pursue some documentation." You know. Sometimes it's the hook.

This perspective is meaningful in several ways. Phrases such as "paint me a picture to tell me a story" and "now you're telling me a story that makes sense" illustrate sensemaking in action and connects DSS providers' needs for more inputs in the sensemaking process to match their views of student deservedness. Moreover, this finding highlights the social nature of sensemaking and social construction of target populations. For instance, the DSS provider made sense of students' needs via personal explanations of their experiences and filtered such social interaction through self-held social constructions. A street-level provider synthesized the purpose of their job as it relates to disability law and students' rights from a broader standpoint when suggesting that disability law is "a civil rights law is because we're saying they had—the people who have

disabilities—have a right to have access to education, to transportation, to buildings. And so, that kind of drives everything that we do." Additional participants conveyed this idea by providing examples of how they author what accommodations are meant to accomplish for students with disabilities. A different student-facing DSS provider made sense of the spirit of the law and student deservedness through a specific accommodation:

> The idea that we're going to give extended time on tests; to me, the spirit of the law speaks to that because we're not testing your ability to beat a time limit, we're not testing your ability to perform under pressure, we're testing a subject. Did you master this subject? You can't show me in 90 minutes? OK, we're going to get you more time to show me that you did master that subject. I think that's how the spirit of disability law translates to accommodations in a college setting or even a high school setting.

As a result, the baseline that students are deserving of accommodations and services and how study participants make sense of the spirit of the law are inherently entwined. Also touching on the confluence of disability law and accommodations, a street-level DSS provider expressed their view of thinking about students' needs during the implementation process and not solely focusing on being compliant with the law. The participant noted that they did not aspire to "just be compliant or go by the law," but that they wanted students to understand that they are cared for and DSS staff would "get them the help that they need unless it doesn't make sense that they would need that. That is more in the unreasonable realm." The concept of student deservedness and authoring the spirit of the law were also presented in a broader perspective irrespective of individual accommodations. An administrator regarded broad access to higher education, not particular accommodations, as the basic requirement to comply with disability law:

> So, baseline to me is that physically our buildings and areas have to be compliant. And I think that when you move online, that becomes a physical thing as well that somebody may not have to *ask* for . . . things that students *shouldn't* have to ask for. For them to be ADA compliant right off the bat. Getting into a door, enough space in the classroom to move around, and then online visibly seeing those. A student shouldn't have to ask for those things. Because those are things that ADA requires that are supposed to be that way no matter what, kind of thing. And then from there you go to when a student has a request . . . it could be in a lab setting maybe and they're in a . . . they're in a wheelchair. You know you may have to make it more accessible than just going through the door. That may be a request. But getting through the door should have never been a question to begin with.

Summary

As seen above, study participants authored their perspectives of student deservedness and disability law via various topics—from student success, delivering accommodations, and broader structural subjects. Regardless, the fact that these two concepts from theory appeared in multiple instances throughout the study is intriguing. Although statistical connections cannot be made based on the research design, the study participants' perspectives shine a light on ways in which DSS providers view students and their role in delivering the spirit of the law.

Conclusion

DSS providers have multiple external and internal factors that affect their daily jobs—disability law being a foremost influence. As seen in the above findings, some DSS providers balanced their own sensemaking of disability law with communicating that perspective to students, parents, faculty, staff, and administrators. Furthermore, they assumed different roles

depending on the issue or stakeholder at hand. Many considered themselves as advocates for students and the institution. This observation is apparent based on participants' self-described views of the spirit of the law. Study participants viewed the spirit of the law as leveling the playing field, but several factors influenced this perspective: other students' needs and the line between reasonable and unreasonable accommodations. Post-college life for students with disabilities was also considered. Ultimately, these individuals continue to author their experiences with disability law and campus stakeholders.

CHAPTER 5

DISCUSSION AND CONCLUSION

The role of DSS providers will continue to grow and evolve as more students with disabilities enroll at IHEs in the United States. To add, DSS providers battle stereotypes held against students with disabilities that negatively influence whether new students will seek services. This work is done under the microscope of compliance with disability law. Some researchers argue that compliance is just one of many areas that DSS providers should address; the other being delivering quality accommodations and services (Kurth & Mellard, 2006). That is, do not strive to simply be compliant with the law, instead reach for the ideal of the spirit of the law. Consequently, understanding and applying the concept of the spirit of the law more fully could potentially influence the quality of students' experiences. Yet few details exist regarding this phenomenon. The purpose of my study was to examine DSS providers' sensemaking of the spirit of disability law and how it impacted their work. In essence, this study was a metaphorical expedition exploring uncharted territories of the topic.

I focused on DSS providers because the notion of "applying" the spirit of the law is regularly directed at this group. Engaging in a basic qualitative research design allowed for a deep dive into how DSS providers perceive the spirit of the law and the way in which it relates to their practice. Interviews and document analysis framed the research design. Documents included websites, intake forms, FAQ sheets, guides regarding documentation requirements, and links to external website or resources to name a few. Due to the COVID-19 pandemic, I

scheduled and conducted interviews virtually. Two theoretical models shaped the research design.

Sensemaking and social construction of target populations were the kaleidoscopes through which I viewed the topic of DSS and the spirit of the law. Sensemaking was core to this study because of the applicability when observing others' interpretation and authoring of external stimuli. As described in more detail below, aspects of social construction of target populations were vital to my study yet not prominently situated in the findings. Nevertheless, the theory influenced the design, data collection, data analysis, and overall summation of this study. Still, the research questions shaped the application of theory and research design.

Findings and Research Questions Juxtaposed

Prior literature and contemporary examples found in IHEs' printed and electronic resources indicate that the spirit of the law is a real phenomenon. Some researchers assert that tensions may exist between complying with the letter of the law and the virtue of the spirit of the law. For instance, Rapp (1994) argued:

> The letter of the law is more easily implemented than the spirit of the law. The stereotype that 'special education' students are less than capable and competent must be dispelled. When society as a whole begins to accept individuals with disabilities as just that—individuals, first and foremost, with the same range of capabilities and potential as that reflected in the general population—the spirit of the law will be given life. (p. 23)

Based on my findings, the spirit of the law is easily definable by study participants but much more complicated to explain when considering how that definition translates into practice. Reviewing the findings within the structure of this study's research questions adds clarity to the topic.

How do postsecondary campus providers who deliver and make decisions on DSS processes and services make sense of and apply the spirit of the law for federal statutes and regulations when designing and implementing accommodations for postsecondary students at their campus?

Similar to Nienhusser's (2018) finding involving the multiple roles that policy implementors assume, DSS providers in this study also described occasions where they represented the IHE's and students' interests concurrently. Numerous examples of this tension appeared. This, in turn, influenced individuals' sensemaking of the spirit of the law. When describing how they level the playing field, study participants were keenly aware of students without disabilities at their IHE. Specifically, leveling the playing field means that students with disabilities have the same opportunities as others, not more than students without disabilities. On the flip side, recognizing the opportunities that students without disabilities experience also drives DSS providers to provide the necessary accommodations and services for students with disabilities.

Speaking of roles, DSS providers' role as main sensebreaker and sensegiver exemplifies the various practical choices that unfurl from specific circumstances. For example, DSS providers described different roles when communicating with the campus community versus students and parents. In both cases, documented resources were made available to both groups. DSS providers' sensebreaking and sensegiving with faculty and staff often occurred within the role of compliance officer. Communication with students and parents happened as educator and advocate. Yet when the communication occurred, several participations highlighted the importance of students to "paint a picture" and "tell a story" (see p. 90 for full quote) about their current academic and social needs when considering accommodation types. This raises a

question about the delivery of services to students who struggle to articulate those needs. As Brucker (2009) found, individuals may be placed in differing social constructions based on their disability. Are students who "paint" more vivid pictures receiving more customized accommodations or services? This question deserves additional attention based on findings in this study. Nevertheless, such interactions with students and parents are influenced by the letter of the law and post-college opportunities available to students.

To what extent does the letter of the law shape DSS providers' implementation of policy?

The influence of the letter of the law on DSS providers' daily operation is prominent. Nearly every participant in the study, in some fashion, proclaimed that their job existed because of disability law. Additionally, DSS providers in this study largely believed that disability law is fairly clear. Yet similar to Nienhusser (2018) and Sumbera et al. (2014), policy vagueness was central to the sensemaking process for DSS providers. An administrator (see p. 74 for full quote) best summed up this sense of ambiguity when stressing that disability law establishes the mandate that IHEs must follow "but what it doesn't say is how you need to do it." That is, the law is clear that students with disabilities must be provided equal access, but how that is accomplished is not dictated. Likewise, when considering this finding through Matland's (1995) ambiguity/conflict model (see Figure 1, p. 29), participants largely described more ambiguity of means and resources rather than ambiguity of goals. Intriguingly, examples of policy implementation in this study emerged in different sections of Matland's (1995) matrix based on specific challenges in the implementation process. For example, many participants described a political implementation when sensebreaking and sensegiving with faculty and staff on the mandates of disability law. That is to say, the power of complying with disability law decided the implementation outcome. Contextual implementation materialized when participants described a

need to hire case managers to support students with disabilities. This example illustrates a high resource ambiguity but a clear goal to support students with disabilities.

In my study, the gulf between clarity in intent and implementation primarily surfaced when DSS providers described making sense of reasonable and unreasonable accommodations. In many ways, the sensemaking process influenced how DSS providers perceived both the letter of the law and the spirit of the law, which were not entirely bifurcated or incongruent concepts. In fact, a student-facing DSS provider equated their standard practice as being the spirit of the law (not the letter of the law) due to physically not having access to the text of disability law on-demand for everyday practice. That is, the letter of the law makes the requirement happen and the spirit is the actions taken afterwards.

Overall, compliance with disability law was identified as a vital obligation throughout every interview. Simultaneously, DSS providers all described genuine concerns for students with disabilities beyond compliance in various ways (i.e., the role of advocate). Nevertheless, this concern did not translate into DSS providers delivering services or accommodations beyond what they deemed reasonable. These concerns are described in more detail after the next research question.

How do DSS providers define and author the spirit of the law?

Leveling the playing field, equity, and opportunity were all described (and surfaced in reviewed documentation) as the spirit of disability law. Equal access and fairness were mentioned as well. Intriguingly, Kurth and Mellard (2006) likened equal access as a branch of the letter of the law in which IHEs apply "primarily to avoid lawsuits" (p. 83). Even in the role of policy enforcer, DSS providers in this study did not define their primary responsibility as being "chief lawsuit preventor;" instead, they focused on students' individual needs within

disability law. This view aligns with another finding on how participants authored the spirit of the law.

Sensemaking and social construction of target populations converged when DSS providers authored their experiences with, and understanding of, disability law by describing students with disabilities' level of deservedness. This may speak to the advocacy role that DSS providers also assume. For instance, Hadley (2006), Janiga and Costenbader (2002), and Schur et al. (2003) outlined how individuals with disabilities may not self-advocate. Drawing from Schneider and Ingram's (1993) model (see Figure 2, p. 42), there is no clear indication that participants placed students with disabilities in an advantaged or dependent social construction. Nevertheless, an observer could deduce that participants may possibly place students in an advantaged social construction (i.e., a deserving group with strong power) due to the fervent messaging that many participants conveyed when sensebreaking and sensegiving to the campus community in which complying with disability law is not optional. Notably, the combination of authoring job responsibilities and student deservedness makes sense due to each DSS provider choosing to work in the field. Still, how authoring translates into practice remains to be seen.

In what ways do DSS providers adhere to and operationalize the spirit of the law throughout the accommodation process?

DSS providers in my study offered no clear evidence of intentionally operationalizing the spirit of the law. Namely, there was no indication that something different *was necessary* on their part to meet the spirit of the law. Nevertheless, how participants framed the spirit of the law may have influenced that outcome. When asked if the spirit of the law could be met, DSS providers grasped the concept at the individual student level. That is, DSS providers frequently answered, "Yes, it could be met" for some students but not all. Ultimately, they believed that although the

law provides access, students may not achieve personal success or benefit from the access granted through the true intent of disability law. Thus, the spirit of the law was not met for students who did not succeed. This also relates to the emphasis of students' post-college experiences on the sensemaking and implementation processes.

Students' post-college opportunities shaped DSS providers' sensemaking and practical application of the spirit of the law. In various cases, participants cited life after college as a meaningful factor in how they interacted with students. Encouraging students to focus on mastering course content and skills instead of fixating solely on graduating was a prominent topic in the interviews. Consequently, preparing for life and employment expectations after college infiltrated conversations between DSS providers and students. Although such ideals may be desired for all students, the added need of accommodations to create equitable environments for students with disabilities made the concept salient. Specifically, students may not have the same accommodations received in college after they leave the postsecondary environment. This relates to Janiga and Costenbader's (2002) finding about DSS providers' concerns regarding students' lack of self-advocacy and overreliance on parents or former teachers during the transition into college. Additionally, the noted impact on transitioning from K-12 to higher education also aligns with this finding. For example, the letter of the law and spirit of the law may be different for K-12 students than those in higher education. Nevertheless, such ideals from K-12 could follow students and parents into higher education even if unsubstantiated under the law. In turn, this may permeate conversations found in research and practice around what the spirit of the law should be in higher education. Study participants' concerns and challenges regarding students' transitions from secondary school to college resembled those found in literature. Participants provided abundant examples—both through interviews and documents—

of educating students and parents about the realities and options in the postsecondary education environment. Helping students with disabilities prepare for the transition from college to their next stage in life seems like a natural ambition for DSS providers based on the amount of effort placed on the K-12 to college transition. Although I did not detect deliberate steps to actualize the spirit of the law in the form of accommodations and services in this study, discussions surrounding the intersection of implemented accommodations and meeting the intent of disability law did occur.

What are the common structures (i.e., mechanisms that establish communication and social connections) in place to inform, provide access to, and ensure effective outcomes for students at the postsecondary level beyond the letter of the law?

Participants largely believed that accommodations deemed reasonable were sufficient to meet the demands of disability law and did not agree that accommodations were needed beyond the law. Those that considered providing "nonstandard" accommodations described approaching each situation individually and having flexibility under the law for such decisions, but still contended that accommodations needed to be reasonable. Several participants recommended services that should be available to all students, not just students with disabilities. Nevertheless, the need for case managers was one service raised most consistently. Many of the DSS providers who referenced case managers viewed adding their services in an aspirational light. An administrator explained the need for case managers for this population because of factors external to impairments, like "their living environment, or transportation, or maybe they had to choose between breakfast and putting gas in their car this morning."

The need for case managers directly aligns with the spirit of the law and the extent to which it may be met. If the benchmark becomes success (not merely access) for students, then

the idea to promote student success through additional support from individuals who specialize in DSS beyond providing accommodations could potentially prove fruitful. Intriguingly, the literature existing for higher education case management primarily focuses on campus threat assessments and mental health (Adams et al., 2014; Higher Education Case Managers Association, n.d.). Nevertheless, some case management research specifically references students with disabilities as a group among many to consider when delivering support (Van Brunt, 2012). Yet much of the existing literature are practical guides to operating case management and behavioral intervention teams on campus, not empirical studies. Ultimately, research specifically studying the effects of case management on students with disabilities is scant. Still, these findings influence research, practice, and policy.

Implications for Research, Practice, and Policy

In this study, I specifically addressed the dearth of research exploring how individuals interpret and author the spirit of the law related to DSS. Researchers and practitioners have assigned some meaning to this phenomenon, yet how key stakeholders in the accommodation process perceive the spirit of the law was not thoroughly investigated prior to this study. My findings in this study influence issues related to research, practice, and policy. To start, while several themes were uncovered, gaps were also unearthed that should be addressed in future research.

Opportunities for Future Research

A glaring question was partially defined in this study. The spirit of the law, in a non-judicial sense, surfaced as both a law's true intent and an ideal way or philosophy to implement law. Additionally, the spirit of the law being associated with environmental or social norms, curricular designs, and inclusiveness also materialized within the context of DSS—specifically

resulting from references to Universal Design, which is a principle that attempts to remove all barriers between individuals regardless of the presence of a disability or other unique traits (CAST, 2021). Nevertheless, exploring the distinct differences between intent, implementation, and environment was not a central focus of this study and did not surface as a central finding. As a result, additional research on these areas could expand the understanding and application of the spirit of the law in DSS and in broader terms.

Social construction of target populations was vital to the development of my study. The ways in which participants authored their understandings of the spirit of the law largely included references to students with disabilities being deserving, which was a key finding. With that said, more research opportunities exist in how social construction of target populations may apply to DSS in higher education. Studies focusing on burdens or rewards assigned to students with disabilities could prove fruitful. Several participants noted that their administration appeared to have limited knowledge about, or engagement with, DSS on their campuses. Resource allocation, which some participants described as potentially burdening other departments or projects due to the necessity to provide approved accommodations, may place students with disabilities in unexpected target populations.

Additionally, sensemaking, the other theory employed in this study, may be applied to DSS in several other approaches. For instance, how does sensemaking (including sensebreaking and sensegiving) occur for students with or without disabilities? How do diagnosing professionals consider their influence on DSS, and how do they make sense of the spirit of the law? In what ways do faculty members, who are key to delivering accommodations, make sense of disability law? As a result, several opportunities for future research exists related to sensemaking.

Considering the influence of institutional resources and internal policy on how DSS providers make sense of and implement the spirit of the law should be studied as well. For example, some IHEs have centralized offices within their system that review medical documentation or offer legal guidance. The attitudes or legal perspectives of such offices could sway how institutions view reasonable accommodations or the extent to which accommodation types should be made available to students. This also relates to an institution's emphasis placed on disability support services. To illustrate, one participant in the study who believed disability law gave them great flexibility with implementation also described feeling immense support from institutional administrators who valued DSS. A different participant felt that the DSS office was mostly invisible to administrators and focused on compliance. Monetary resources, which also arises in the forthcoming section on implications for policy, also impact the delivery of services. Additional research on the effect of institutional type and resource availability, such as a well-resourced flagship institution as compared to a cash-strapped community college, on providing accommodations (and the types of accommodations) should be explored. Does student success and an "over and beyond" mentality flourish in better resourced institutions?

Finally, examining the effects of case management on students with disabilities could produce valuable discoveries. A limited amount of research exists on case management for DSS in higher education. While several study participants denoted the benefits of having such a group of professionals on campus, evaluating the impact on student success could demonstrate the need for more case managers in the higher education setting. This topic also relates to practice.

Implications for Practice

DSS providers are expected to address and resolve numerous student requests and issues through the lens of students' individual needs. Accordingly, suggestions for altering or

implementing new practices must also be considered through such an individualized approach. Shifting the conversation about case managers from research to practice, administrators at IHEs should have discussions with their DSS offices to determine if the types of supports provided by such a position would augment the experiences and outcomes for students with disabilities. Admittedly, new positions require monetary resources and may not be feasible depending on an institution's financial position. Nonetheless, finding opportunities to initiate support structures (even via existing positions) should be considered by decisionmakers at IHEs.

Another item to consider with practice is how does the spirit of the law—described as equity and opportunity in this study—impact unsuccessful outcomes for students with disabilities? Several study participants noted that abiding by the spirit of the law may negatively affect students, which aligns with Moylan and Hammock's (2019) finding that students may still have negative outcomes even when an IHE is compliant with law. That is, students may be provided the equitable opportunity to pursue a postsecondary degree but still end up with negative experiences due to incoming expectations based on prior opportunities (such as those found in K-12 education). Additionally, some study participants described the negative impact of over-accommodating that leads students to "overly" rely on accommodations and prevents them from growing as individuals, students, and prospective employees. DSS providers should consider the causes of negative experiences that students with disabilities face—even if not resulting from accommodations provided by the IHE—and establish interventions within the framework of disability law that counteracts potential issues related to the spirit of the law. A street-level participant provided an exemplar case (see p. 79) when educating a student about the realities of taking state certifications with different accommodations after graduating from the IHE. The point not being to dissuade students from using accommodations but conveying the

power and opportunity that students hold in a postsecondary setting and potential future consequences to using accommodations.

Finally, and related to the prior conversation on considering the effect of equal access, DSS providers often inform students with disabilities that the ADA and Section 504 only provides access, not success. Nevertheless, study participants who were asked if the spirit of the law was obtainable reverted back to students succeeding in college. As a result, DSS providers must grapple with the differences between access and success. No, student success is not assured in higher education as seen in K-12 under IDEA, but study participants still wanted students with disabilities to succeed. Ultimately, like the emphasis placed on student success for all postsecondary students, exploring alternative avenues to assist students with disabilities is important in order to augment possibly gains from their experiences in higher education.

Implications for Policy

Establishing more effective conduits for implementing the spirit of the law is a clear area for improvement. This largely stems from resource availability. The cost to provide required accommodations to students may burden less-resourced IHEs. One administrator highlighted tough decisions they made when allocating funds from other areas of their institution to deliver costly accommodations during an unexpected enrollment surge of students with certain disabilities. They noted that having access to an emergency fund of money could help alleviate some of the financial hurdles that arise from delivering specific accommodations. Accordingly, the U.S. Congress should consider establishing such a financial resource for IHEs since the mandate comes from the federal level. Another recommendation is directed at state-level policy.

State governments should assess their role in supporting effective transitions between public secondary and postsecondary institutions beyond currently established initiatives. True,

collaborative individualized education program (IEP) teams, which may consist of varying stakeholders, already exist (and are required) under IDEA at the federal level. School districts are held responsible for such efforts, but other agencies like a state Vocational Rehabilitation agency are commonly included (U.S. Department of Education, Office of Special Education and Rehabilitative Services, 2020). Nevertheless, study participants and existing literature demonstrate that a considerable amount of time is spent sensebreaking and sensegiving *after* students and parents already believe they are informed about the expectations in higher education. Thus, whether it be a formal transition program or programmatic collaboratives that bring K-12 and higher education providers together, some type of additional action is necessary. States, school systems, and individual IHEs should join forces in new ways. An administrator in this study provided an example of a local collaborative in which secondary schools and nearby IHEs met to discuss various topics related to DSS. Importantly, and speaking towards some perspectives of the spirit of the law, such actions do not simply support a school's compliance with disability law but, instead, create meaningful paths for students to successfully transition into postsecondary education. Obviously, resources and guidance on expectations are necessary to successfully enact such a transition program at public institutions. Thus, state governments should consider investing in these innovative ventures. Overall, establishing new, effective opportunities to support implementation of disability law are necessary.

Conclusion

The spirit of the law related to disability support services is still not fully understood, although my study unearthed several important themes. While researchers and practitioners acknowledge the existence and influence of the spirit of the law on practice, more research is necessary to uncork the applicability of the spirit of the law in higher education. While the focus

of this study is on DSS, the topic of the spirit of the law appears largely uncharted in other areas of higher education in which law drives institutional action. In conclusion, I suggest that the spirit of the law is a true phenomenon that possesses meaning—not simply an undefined phrase used to support an individual's self-held opinion. How this translates into practice for DSS providers in higher education, however, is an ongoing conversation.

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APPENDIX A

IRB APPROVAL LETTER

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Human Research Protection Program

EXEMPT DETERMINATION

April 1, 2021

Dear Erik Ness:

On 4/1/2021, the Human Subjects Office reviewed the following submission:

Title of Study:	Chasing Ghosts: How Disability Support Personnel in Higher Education Perceive and Actualize the "Spirit of the Law"
Investigator:	Erik Ness
Co-Investigator:	Kallan Williams
IRB ID:	PROJECT00003667
Funding:	None
Review Category:	DHHS – Exempt 2(ii)

We have determined that the proposed research is Exempt. The research activities may now begin. Since this study was determined to be Exempt, please be aware that not all future modifications will require review by the IRB. For more information, please see Appendix C of the Exempt Research Policy. As noted in Section C.2, you can simply notify us of modifications that will not require review via the "Add Public Comment" activity.

A progress report will be requested prior to 4/1/2026. Before or within 30 days of the progress report due date, please submit a progress report or study closure request. Submit a progress report by navigating to the active study and selecting Progress Report. The study may be closed by selecting Create Version and choosing Close Study as the submission purpose.

In conducting this study, you are required to follow the requirements listed in the Investigator Manual (HRP-103).

Sincerely,

Benilda P. Pooser, Ph.D., CIM
Director, Clinical Research Compliance

APPENDIX B

SAMPLE INTERVIEW QUESTIONS

1. Tell me about the structure of your disability support office and any prominent goals that your office promotes.
2. Can you share your experience and professional background related to disability support services?
3. How do you stay current with legal and practice-based issues in disability support?
4. How do disability laws shape your day-to-day operation?
5. How does compliance with the law influence your implementation of disability support services? How does it shape your overall *outlook* on your work?
6. What are the baseline services and accommodations (if any) that you feel are necessary to offer to stay compliant with disability law?
7. What are the laws at their core truly supposed to accomplish?
8. Please describe the relationship between compliance and the purpose of the law that you just outlined. Do they compete or are they compatible? If so, how and in what ways?
9. If applicable, please describe your perspective on whether or not additional services are necessary to help students with disabilities be successful beyond those that you believe are necessary by the letter of the law.
10. The spirit of the law is often used as a way to express an “ideal” purpose or actions of policy and law. How would you define the spirit of the law for disability support?

11. Do you believe that the spirit of the law can be met? How do you achieve the spirit of the law?
12. How has COVID-19 affected disability support services at your institution?

APPENDIX C

INITIAL LETTER TO PROSPECTIVE PARTICIPANTS

Dear «First_Name»:

I am a doctoral student under the direction of Dr. Erik Ness with the Institute of Higher Education at The University of Georgia. I invite you to participate in a research study entitled *How Disability Support Providers in Higher Education Perceive the "Spirit of the Law."* The purpose of this study is to examine disability support providers' sensemaking of the "spirit" of disability law and how it impacts their work. We obtained your contact information from your postsecondary institution's website.

You are eligible to be in this study because you are a disability support provider who delivers services to students with disabilities, and are employed at an associate-degree granting, public, non-profit, two-year or four-year institution located in the state of Georgia. You are eligible to participate if you are 18 years or older.

Your participation will involve a virtual interview and sharing of relevant marketing or resource-based documents (if applicable) and should only take about one hour and 15 minutes. Your participation is entirely voluntary and confidential, and no risks are expected for your involvement. For your participation, you will receive a $15 gift card to Starbucks.

The attached Consent Form includes additional details about the research. If you agree to participate or would like additional information about this study, please feel free to call me at «Phone Number» or send an e-mail to kallan.williams25@uga.edu.

Thank you for your consideration!

Sincerely,

Kallan Williams

Kallan Williams

Ed.D. Candidate, Institute of Higher Education

The University of Georgia

Athens, GA 30602

APPENDIX D

CONSET FORM

UNIVERSITY OF GEORGIA
CONSENT FORM
How Disability Support Providers in Higher Education Perceive the "Spirit of the Law"

Dear participant,

You are being asked to take part in a research study. The information in this form will help you decide if you want to be in the study. Please ask the researcher(s) below if there is anything that is not clear or if you need more information.

Principal Investigator: Dr. Erik Ness
Institute of Higher Education, University of Georgia
eness@uga.edu

Co-Investigator: Kallan Williams
Institute of Higher Education, University of Georgia
kallan.williams25@uga.edu

We are doing this research study to learn more about how disability support providers make sense of the spirit of the law for federal statutes and regulations when designing and implementing accommodations and other services for students at their campus. Specifically, this study addresses: (1) To what extent does the letter of the law shape disability support providers' implementation of policy? (2) How do disability support providers define and author the spirit of the law? (3) In what ways do disability support providers adhere to and operationalize the spirit of the law throughout the accommodation process? (4) What are the common structures in place to inform, provide access to, and ensure effective outcomes for students at the postsecondary level beyond the letter of the law?

You are being invited to be in this research study because you have been identified as a disability support provider who delivers services to students with disabilities.

If you agree to participate in this study:

- We will collect information about your perspectives, understandings, and experiences when designing and implementing disability support services and accommodations.
- We will ask you to answer questions through an interview conducted virtually and provide documentation referenced in the interview. It will take about 75 minutes.
- The interview will be audio and video recorded for transcription purposes.
- We will follow up within one month by sending a copy of the transcript and requesting your review for the overall accuracy. This review of the analysis should take no longer than one hour for each participant. If a participant does not concur with specific aspects of the written analysis, a second interview lasting approximately 30 minutes will be requested to discuss potential discrepancies.

Participation is voluntary. You can refuse to take part or stop at any time without penalty. There will be no adverse effects for you if you decide to not participate or withdraw from participation at a later time.

There are questions about compliance with federal law that may make you uncomfortable. You can skip these questions if you do not wish to answer them.

Your responses may help higher education disability support practitioners, researchers, and faculty better understand the accommodation process, offer new insights into practice, and cultivate additional research, enhancements to policy, and promising practices. Existing perspectives on how access to accommodations and services influences the likelihood of success for students with disabilities will be expanded. If more disability support providers are successful in interpreting and carrying out the spirit of the law consistently, more students will receive similar levels of support and success.

This research involves the transmission of data over the Internet. Every reasonable effort has been taken to ensure the effective use of available technology; however, confidentiality during online communication cannot be guaranteed. We will take steps to protect your privacy, but there is a small risk that your information could be accidentally disclosed to people not connected to the research. To reduce this risk we will use pseudonyms in place of your real name and college or university of employment. We will only keep information that could identify you for five years after the project is completed. Audio and video recordings will be deleted as soon as interviews are transcribed. Information from this research will be used for purposes of this research only and will not be used in future studies or shared with other researchers outside of this specific project.

You will receive a $15 gift card after the interview. Your name and preferred mailing address will be needed to receive the gift card. This information will not be shared outside of the research.

Please feel free to ask questions about this research at any time. You can contact the Principal Investigator, Dr. Erik Ness at (706) 542-0573, eness@uga.edu. You may also contact the Co-Investigator, Kallan Williams at <<Phone Number>>, kallan.williams25@uga.edu. If you have any complaints or questions about your rights as a research volunteer, contact the IRB at 706-542-3199 or by email at IRB@uga.edu.

If you agree to participate in this research study, please sign below:

Kallan Williams	Signature	Date
Name of Participant	Signature	Date

Please keep one copy and return the signed copy to the researcher.

APPENDIX E

DEDUCTIVE/A PRIORI CODES

Category/Code	Memo
COVID	
COVID	*The impact of COVID-19 on the accommodation process, student outcomes, or general institutional procedures is cited.*
Disability Support	
Accommodation\Disability	*An accommodation is based on students' diagnosed and documented disabilities.*
Accommodation\Effective	*Participants identify particular types of accommodations that they consider to be effective.*
Accommodation\Ineffective	*Participants identify particular types of accommodations that they consider to be ineffective.*
Accommodation\Needs	*An accommodation is based on students' broader needs.*
Accommodation\Types	*Participants identify particular types of accommodations without judging effectiveness.*
Collaboration	*Interdepartmental collaboration occurred when DSS personnel assisted students with disabilities.*
Cost	*The amount of money necessary to deliver an accommodation is cited as a barrier.*
Documentation\Negative	*Medical documentation or other intake documentation requirements are cited by the participant in a negative way.*
Documentation\Positive	*Medical documentation or other intake documentation requirements are cited by the participant in a positive way.*
Faculty\Delivery\Negative	*The way in which faculty members deliver accommodations is referenced as a negative for student outcomes.*
Faculty\Delivery\Positive	*The way in which faculty members deliver accommodations is referenced as a positive for student outcomes.*
Faculty\Knowledge\Informed	*Participants note that faculty are knowledgeable about the institution's disability support policies and practices.*
Faculty\Knowledge\Uninformed	*Participants note that faculty are not knowledgeable about the institution's disability support policies and practices.*
Knowledge of Support Process\Informed	*Participants note that students with disabilities are knowledgeable about the disability support process.*

Knowledge of Support Process\Uninformed	*Participants note that students with disabilities are not knowledgeable about the disability support process.*
Parental Influence\Negative	*Aspects of parental involvement and influence are deemed negative.*
Parental Influence\Positive	*Aspects of parental involvement and influence are deemed positive.*
Reluctance to Request	*Students with disabilities show a reluctance to request disability support services in postsecondary environment.*
Secondary Services	*The services that students with disabilities received or not received in secondary education are considered to affect postsecondary outcomes.*
Selecting Accommodations	*The process in which DSS personnel and student select accommodations to employ.*
Self-Disclosure	*Participants refer to the need for students to voluntarily self-disclose their disability.*
Social Stigma	*Potential stigma associated with disabilities is referenced.*
Student's View of Disability	*Students are cited as having perspectives of their disability not matching their medical documentation or diminishes the impact a disability on their life.*
Transition Planning\Not Received	*Participant associates students with disabilities not receiving transition planning with their postsecondary experience.*
Transition Planning\Received	*Participant associates transition planning that students with disabilities received in secondary school with their postsecondary experience.*
Transition\Negative	*Some aspect of a student's transition from secondary to postsecondary education is mentioned as a significant influence on negative outcomes.*
Transition\Positive	*Some aspect of a student's transition from secondary to postsecondary education is mentioned as a significant influence on positive outcomes.*
Law	
Ambiguous	*A law or specific aspect of law is considered to be ambiguous by the participant.*
Clear	*A law or specific aspect of law is considered to be clear by the participant.*
Compliance	*Participant specifically refers to compliance with law as a primary goal.*
Differences in Law	*Any idea or direct reference comparing laws that govern K-12 education with higher education.*
Discrimination	*Any idea or direct reference involving student discrimination.*
Lawsuit	*Participant cites avoiding legal actions as influence on their work.*
Legislative Intent	*Participant describes their view of legislative intent of disability law regardless of supporting proof.*

Letter of the Law\Believed	*Adhering to the participant's understanding of the baseline minimum actions to remain compliant with law or policy.*
Letter of the Law\Cited	*Participant directly cites law that frames the baseline minimum actions to remain compliant with law or policy.*
Reference to Law	*A participant specifically cites federal or state laws influencing DSS in higher education.*
Spirit of the Law\Believed	*Specific ideas, concepts, or actions that a participant believes are necessary to meet to true intent of the law or policy.*
Spirit of the Law\Cited	*Specific ideas, concepts, or actions that a participant cites directly from law to meet to true intent of the law or policy.*
Policy Implementation	
Administrative Implementation	*Policy implementer describes a policy with clear language and maintains popularity among policy designers.*
Attitude of Policy	*Participant's personal beliefs about a law or policy shaped the way they implemented such law or policy.*
Bottom-Up	*Participant articulates a stance that policy implementers and the target population are key actors. Unclear laws.*
Compliance	*Protecting the IHE or individual from liability was considered when implementing DSS policy.*
Experimental Implementation	*Policy implementer describes a policy that differs across institutions, departments, and other functional areas when implemented.*
Knowledge of Law	*Participant's knowledge of law influenced how such law was implemented.*
Political Implementation	*Policy implementer describes a policy in which power decides the outcomes.*
Street-Level Decision	*DSS student-facing staff member felt that they could or should make decision on how policy should be implemented.*
Symbolic Implementation	*Policy implementer describes a policy with vague language and is viewed as confrontational. It may only exist to prove a point.*
Top-Down	*Participant articulates a stance that policy designers are key actors and call for clarity in the statutory language. Clear laws.*
Sensemaking	
Authoring	*The act of placing and creating the stimuli in the context of their work.*
Bottom Up Sensemaking	*Occurs when employees in informal positions of authority instigate the sensemaking process.*
Environment	*The environment influenced participant's sensemaking of stimuli.*
Extracted Cues	*Participant referenced existing constructs when grappling with unfamiliar changes.*
Identity construction	*Participant identifies some sense of self that influences the ways in which sensemaking may occur.*

Interpretation	*The way in which a person translates information about the stimuli into a language they understand.*
Knowledge of Law	*Participant cites prior experiences and knowledge as factors in the sensemaking process.*
Ongoing	*Participants describes their sensemaking of the phenomenon as a constant process.*
Plausibility	*No single perception or outcome of the sensemaking process is correct.*
Prospective Sensemaking	*Participant made sense of plausible future events or changes to law or policy.*
Retrospective Sensemaking	*Participant did not recognize that sensemaking occurred until after the fact.*
Sensebreaking	*Administrator unravels others' understandings during the sensemaking process.*
Sensegiving	*Administrator intentionally shapes sensemaking of others.*
Social	*Interactions with other people influenced a participant's sensemaking.*
Social Construction	
Deserving	*Students with disabilities are mentioned as deserving benefits or services.*
Powerful	*Students with disabilities are considered to possess influence or political influence on campus.*
Undeserving	*Students with disabilities are mentioned as not deserving benefits or services.*
Weak	*Students with disabilities are considered to not possess much sway or political influence on campus.*